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JUVENILE DELINQUENCY

(OBSCENE AND PORNOGRAPHIC MATERIALS)

HEARINGS
BEFORE THE
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
EIGHTY-FOURTH CONGRESS
FIRST SESSION
PURSUANT TO
S. Res. 62
INVESTIGATION OF JUVENILE DELINQUENCY
IN THE UNITED STATES

MAY 24, 26, 31, JUNE 9 AND 18, 1955

Printed for the use of the Committee on the Judiciary



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¹ On file with the subcommittee.

² Printed in the record.

JUVENILE DELINQUENCY

(Obscene and Pornographic Materials)

TUESDAY, MAY 24, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
TO INVESTIGATE JUVENILE DELINQUENCY,
New York, N. Y.

The subcommittee met, pursuant to notice, at 9 a. m., in room 104, United States Court House, Foley Square, New York City, N. Y., Senator Estes Kefauver, chairman, presiding.

Present: Senator Estes Kefauver, Senator William Langer.

Also present: James H. Bobo, general counsel; Peter N. Chumbris, associate counsel; Vincent Gaughan, special counsel; Edward Lee McLean, editorial director; George Martin and George Butler, consultants to the subcommittee.

Chairman KEFAUVER. The subcommittee will come to order.

This is a subcommittee of the Senate Committee on the Judiciary, established by order of the Senate. The members of the subcommittee are the distinguished Senator from North Dakota, Senator Langer, who is with us today, and who has taken a great deal of interest in the work of the subcommittee, and was former chairman of the full Committee on the Judiciary; Senator Wiley, of Wisconsin; and Senator Hennings, of Missouri.

The subcommittee wishes to first express its appreciation to Mr. Mike Lordan, superintendent of the building, and the others who have been so cooperative in arranging for this courtroom; Judge Hart and members of the court.

We are glad to again be in the great city of New York. The problem of juvenile delinquency which brings us here at this time deserves and requires the best attention and the best effort of every American citizen. The future of this country is irrevocably tied with our young people. If this is a great generation we are rearing, and I am firmly convinced it is, then the future of our democracy is secure. Yet we must face up to the problems besetting our young people.

These 3 days of hearings will be devoted to pornographic material, a specialized subject within the general field of juvenile delinquency. This is a nationwide hearing. Later our subcommittee will return to New York to hold additional hearings on the broad aspects of juvenile delinquency; but at this time I do want to commend the many fine efforts being made to remedy the problems of juvenile delinquency here in the Nation's largest city by public officials, churches, schools, and individuals.

I have been particularly impressed by the report of Deputy Mayor Henry Epstein concerning all phases of juvenile delinquency here and

his recommendations designed to correct the problems inherent in juvenile delinquency.

Now I want to order Mr. Epstein's report to be printed in the record at this time.

(The report above referred to, entitled "Perspectives on Delinquency Prevention," was marked "Exhibit No. 1," and is as follows:)

EXHIBIT No. 1

PERSPECTIVES ON DELINQUENCY PREVENTION

(City of New York, 1955. Robert F. Wagner, mayor)

" * * if we would guide by the light of reason, we must let our minds be bold."*—LOUIS D. BRANDEIS.

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N. Y., May 6, 1955.

HON. ROBERT F. WAGNER,
Mayor, City of New York,
City Hall, New York, N. Y.

DEAR MAYOR WAGNER: Attached is a brief report on the coordination of new and improved programs to cope with the problem of juvenile delinquency in our city.

It has only been possible to undertake a relatively brief study in this field to which so many have devoted a lifetime. I am, however, making a number of suggestions in specific areas and have indicated particular problems which merit special consideration in the near future. I hope, for example, to treat the whole matter of the courts and correctional institutions at some length in another report.

The only expenditures to date from the \$25,000 budgeted for this study have been 4½ months' salary for my consultant and his secretary, plus less than \$100 for technical literature, supplies, etc. After our printer's bill is paid, I believe enough money will remain to complete the report mentioned above as well as one on services for infants and preschool children.

John J. Horwitz, who served as consultant on this project, was responsible for most of the research and field contacts. He also is to be commended for writing the draft of this report, laying it out and seeing it through the press. I wish to pay particular tribute to the rich background Mr. Horwitz brought to the planning of this project. His broad social science skills and his rich experience as settlement house director, psychiatric caseworker, and community organization specialist all contributed materially to the coherent overview so essential in a study of this sort.

I feel deeply indebted to former deputy city administrator John V. Connorton for his invaluable assistance in coordinating the committee consultations with private social agencies.

Dr. Luther Gulick, the city administrator, offered my staff office space and all conceivable cooperation. His friendly interest advanced the work materially.

Especial thanks are due my colleagues heading up various city departments and agencies, welfare and civic leaders, and the many experts on various aspects of the delinquency problem who have given me and my staff the benefit of their counsel. Many helpful suggestions have also been received from scores of private citizens who have passed along to us their suggestions as to the causes of juvenile delinquency or measures which might be undertaken to cope with our problem. The cooperative zeal so many people have brought to this effort has been a gratifying sign of the vitality of civic spirit in our city. The fine resolution of Council President Abe Stark, for example, is supported in the expanded youth board projects of private agencies. I might add that the tenor of a number of letters received from young people themselves has been a great source of encouragement.

May I emphasize in recommending the programs listed below that none are intended to substitute for ongoing operations in the same fields, nor should services be taken out of one neighborhood to provide for another.

Very sincerely yours,

HENRY EPSTEIN, Deputy Mayor.

INTRODUCTION

At the request of the mayor, I have during the past 8 months made a fairly extensive review of the scientific literature in the juvenile delinquency field, and have endeavored to inform myself on current developments of interest in other communities, and even in foreign countries.

Herewith are presented certain findings of fact as to the nature of the challenge and programs which we may undertake in order to meet it. This report is designed to help speed planning, and to inform the public about some of the problems we face. In addition, in appendix V, I have listed some important ways each and every citizen can help fight juvenile delinquency.

We can record many real achievements through services to children. But New York is a city which never has been afraid to face up to its shortcomings. I have not endeavored to produce a piece of promotion material; attention in this report is focused upon many areas where our performance is less than perfect, sometimes less than adequate.

We cannot feel satisfied with less than the best, especially where our children are concerned. In those existing programs where something vital may be wanting, no lack of conscientiousness or capacity on the part of personnel involved should be inferred. Over the years, there may have been many reasons why some strategic area has been neglected. In a city as large as ours, it may also happen that a service eminently worthwhile in years past, today needs to be reconsidered and replanned.

Our task is one to be accomplished only over a period of time. Deliberations today build upon work that has gone before. This report is related to earlier studies; and a number of important matters are only touched upon here, as they will be covered at greater length in other reports.

My emphasis throughout, has been upon employment of public funds through programs in public agencies. However, there are areas where private and sectarian agencies have clearly demonstrated an ability to provide valuable services of a supplementary character, when public moneys are placed at their disposal. I recommend continuance of this pattern, along already well established lines, through the youth board contract program (see appendix II). Nongovernmental bodies have a most important part to play in any community program. It is to be hoped that the fund-raising efforts of responsible private and sectarian agencies this year will permit the ambitious and highly laudable program expansions they projected in our joint discussions.

A joint policy statement of private and sectarian agencies appears here as appendix IV.

Certain highly important projects (which have come to my attention from various sources) do not seem appropriate or possible enterprises for the city government to undertake. These I have listed in appendix III. Should civic groups, service organizations, individual philanthropists, or foundations be interested in details on any of these undertakings, my staff have prepared brief outlines of possible first steps on each of them.

I do wish, however, to present for immediate consideration 10 programs I believe should be acted upon without delay. You will find here, and throughout my report, two equally important emphases: services for more children and more effective service to the children we do reach. A sound approach must be rooted in these foundations.

TEN PRIORITY PROGRAMS

Provision of competent staff for recreational facilities already available in 27 public-housing projects (for residents of projects and their neighbors); planning for staff in all the other projects not presently served.

Expansion of the remedial reading program in our schools to enable children to get 100-cent value on the education dollar.

Police services affecting juvenile delinquency.

Expansion of the youth board street club project and its services to families and children.

Provision of programs under youth board contract to the three areas in Manhattan, Staten Island, and Queens where delinquency rates have increased alarmingly; contracts for casework, group work and recreation services from private as well as public agencies.

Reexamination of teacher rotation policies, in an effort to assure placement of a larger proportion of our more highly experienced teachers in "difficult" schools.

Parent education programs centered around informal discussion groups.

Expansion of the co-op program which provides students an opportunity to complete their high school education while working half time in private industry at prevailing wages; more guidance services.

Inauguration of training services through the youth board to equip its own personnel to do an even more effective job, and to serve other departments which have approached the youth board for this kind of help; a fellowship study program for adding to the professional skills of workers on key projects in various city youth-serving agencies.

Provision for small, top-caliber units to do overall planning and to be responsible for assessment.

Before detailing the value of the 10 programs mentioned above, it is important that some general considerations be clarified.

May I remark at the outset that juvenile delinquency is neither a new problem nor one we can expect to meet with temporary expedients.

With so much talk of juvenile delinquency in the air and scare headlines all too frequently in the press, we are apt to forget the 97 juveniles in 100 who do not come in conflict with the law.

When the word "teen-ager" comes up, how often do we think of the nationwide science talent search, in which our students, less than 4 percent of the Nation's high school population, regularly walk off with 20 percent or more of the awards.

How loud did the sirens blow when a teenager in or town a year ago won first prize for school-or-community life photographs in the national contest with 27,000 entries? And how many people have heard about the youth group here that volunteers regular work sessions adding to a library for the blind which houses the Nation's largest collection of hand-transcribed books?

Here are a few headlines which will seem more familiar: "Eleven-Year-Old Steals Teacher's Purse," "Boys Bind and Rob Playmates," "Schoolgirls Sweethearts, 16 and 17, Fight a Duel." These are the sort that have always made news. But here's one from the month before: "Legislator Aids Boy"—the story is about Assemblyman Robert F. Wagner, who volunteered his services to defend a 17-year-old he believed wrongly accused of shooting his employer. The year, for all those stories, 1905, exactly 50 years ago.

It seems to me we would do well to ponder awhile on the manner in which public opinion today may affect law enforcement as respects juveniles. It would come as a real shock to hear the casual suggestion that three men standing on the corner talking ought not to be on the street, but change the men to 17-year-olds and it would almost seem they had lost their rights as citizens. Or think of a driver who has run through a red light; when he receives his ticket, we think of him as a traffic violator, not a criminal. Let the driver be a youth, however, and there's a buzz of voices immediately against the "juvenile delinquent."

This may seem a trivial consideration, but it is not trivial to one who feels a door has been slammed in his face. New York has always taken pride in its young people; we have always felt this was the city, of all cities, that opened wide the door to citizenship. Yet today it almost seems as though no one is a citizen until he has attained the magical age of 21; and all the unfortunates who must wait the years until they attain that enviable distinction are high handedly placed on continuous probation.

We cannot have it both ways: Either our young people are a welcome part of the New York community, or they are some curious alien breed, shut out, marking time till their 21st birthday.

We in the city administration share a common concern with the community's religious leaders. There is a need for reawakening our young people's appreciation for higher values. We must labor, each in his own fashion, to open wide a door to the world of satisfaction through social responsibility.

As adults we would do well to reflect upon our own behavior when we warn youth against false values. And we would do well to think about the ways we can demonstrate, on a day-to-day basis, that the good life is really a rewarding one.

Much has been made of the unfortunate impact a particular type of publication is making upon our children and young people. It seems to me that it is unjust to focus criticism upon a single influence of this sort.

We live in times of world conflict and the threat of war. Wherever the child turns there is violence and talks of violence. To a stranger crime and sex might almost seem the sinister preoccupations of our people. The child grows up in

a world of tension, not of his making. Yet 97 children in 100—even more if we confine our attention to the delinquents who are brought to court—make a “go” of it in a world that seems pretty confusing even to sophisticated adults.

The example we set is not always the best. There have been reports in these past months of a tax authority who committed suicide while under indictment for income-tax evasion; three different schoolteachers (not of this city) who sought special consideration when arrested for driving past a halted school bus; the reader can add examples of his own. We have our Schweitzers and our Einsteins, our Helen Kellers, and our Marion Andersons, true. But it is well to dwell a moment upon the observation of the director of one of our better juvenile institutions “adults deceive each other and children deceive the adults.”

Our Nation takes pride in the fact that our press, films, radio, television, etc., are not under Government control. Private initiative in the great media of information has demonstrated time and again that it can make a responsible social contribution in periods of crisis. These times cryingly demand imagination and leadership from those entrusted with the media. I believe there are many who have already perceived the challenge and are moving forward as responsible citizens. The task of glamorizing socially constructive activities—of better informing the public as to the nature of juvenile delinquency—is a great one. To reach beyond the glorification of crime and the confusion of moral values must be more than an aspiration—we look to the industry for positive contributions.

HOME, FAMILY, COMMUNITY

In reviewing studies of the juvenile delinquency problem, probably the clearest picture that emerges is the difficulties commonly inherent in the home situation. Now in commenting upon juvenile delinquency, it must be remembered that our information pertains almost exclusively to youngsters who have been apprehended and appear for disposition before public authority. Furthermore, in pointing up the shortcomings of the family setting in which so many of these young offenders have been reared, we are often uninformed as to the number of children who, confronted by identical handicaps, have made “go” of social living.

Withal, there appears to be a consistent pattern of deprivation, which I believe any fair-minded person would agree creates a real hazard to the growing child.

There are social handicaps which exert a real pressure upon youngsters from underprivileged neighborhoods; overcrowded, unhealthy tenement living, discrimination, grinding poverty, lack of recreation facilities, an atmosphere of crime in the very air they breathe. But as Prof. Gordon Allport, of Harvard University, has observed (175, introduction), it is the emotional tone of the home, not the plumbing, that is likely to prove a decisive determinant of juvenile delinquency.

We may be on the threshold of a greater understanding of the nature of this disorder. Prof. Sheldon Glueck and Dr. Eleanor Glueck believe they have developed a technique for recognizing, by the characteristics of family psychology, just which children are growing up in the most hazardous surroundings. If their predictive measures prove reliable, we could ascertain in advance precisely which children (and which families) are in need of preventive services—before serious trouble ever develops.

Many delinquent children have parents who can truly be said to poison the atmosphere of the home. Marital conflict between the parents is common, indeed one authority suggests that tensions in a home where the parents are deeply dissatisfied with one another are more injurious to children than a broken home would be (28). But studies of comparable groups of children have shown there are close to twice as many from broken homes in the delinquent as in the nondelinquent group (28). The Gluecks' recent research found 1 delinquent in 4 came from families where self-interest exceeded group interest; this was true of less than 1 in 100 children in their nondelinquent control group (67).

Children who turn up as delinquents are also more likely to have been set a criminal example at home. The study mentioned above, showed delinquents twice as likely as nondelinquents to have had a father, brother, or sister already in conflict with the law—and three times as likely to have had a mother with a criminal record (67). Another researcher reporting on youths discharged from a truant school but subsequently charged with felonies, found 4 out of 5 were reared in families in which another member had a criminal record (28).

Parents' attitudes toward children, and children's conceptions of their parents differ significantly in comparable groups of delinquents and nondelinquents.

The Gluecks report 60 percent of their delinquents felt their fathers were indifferent or hostile; this was true of only 1 in 5 among the nondelinquents (226).

Delinquents felt their mothers were not deeply concerned about their welfare in 8 cases out of 10; only 3 mothers out of 10 among the nondelinquents (226). Of the groups studied, one-fifth of the mothers worked, mothers of delinquents as well as mothers of nondelinquents. Nevertheless while 7 mothers of delinquents in 10 were found giving "wholly unsuitable" supervision to their sons, among the nondelinquent boys,² only 1 mother in 10 failed in this respect (226).

I do not wish to bog down in statistics, but mention ought to be made of one more highly illuminating inquiry. Close to 20 years ago a volume was published examining the differences between delinquents and nondelinquent youngsters reared in the same houses and families. Healy and Bronner (86) reported that the nondelinquents found home relationships more satisfying than delinquents in the same family did. And seven times as many delinquent children were found to have had emotional disturbances in their relations with others, mostly in the home. The delinquents were unhappy, discontented youngsters, shortchanged in some fashion as compared with their own nondelinquent brothers and sisters.

The same story is repeated by child-guidance workers, police, probation officers, social workers, teachers, pastors. The child who becomes a delinquent is more likely than not to come from a home where he is neglected, rejected, or subject to harsh and even unjust punishment. In a large proportion of cases, one parent is missing; and when both parents are in the home, in case after case it has been found the child is suffering because of continual bickering or open violence between father and mother.

In situations such as these, and where parental discipline is irregular or completely neglected, the child will tend to strike out for himself. And there is every likelihood he will strike out in the wrong direction.

It is only with the very greatest rarity that a thorough examination of the life history of a detected delinquent will fail to uncover pressures (psychological or social) which may reasonably be regarded as the roots of maladjustment.

In our understanding of particular situations, there is undoubtedly a certain gap between the commonly accepted causative factors and delinquent acts on the part of an individual. Nonetheless, certain social situations can with considerable assurance be said to constitute fertile soil for delinquency.

To recapitulate, these are: rejection, tyranny, abuse, frustration, failure, limitation of opportunity, conflict of cultures.

A child can grow into a socially integrated adult even in a home where a brother or sister is shown preference. A child can grow into a socially integrated adult even though deprived of a parent's love. A child can grow into a socially integrated adult despite discrimination by reason of race. A child can grow into a socially integrated adult despite slum environment with all its deprivations. Even a child who is brutally abused, or punished unjustly can grow into a socially integrated adult.

It is most important that these facts not be ignored. But we do know that a cumulation of deprivation and destructive experiences leaves a mark. The child reared under such conditions is in hazard; where the negative forces multiply, the hazard is increased.

Frequent mention will be made in this report of the situation of children and youth in deteriorated or deteriorating neighborhoods. Let it be clearly understood at the outset that delinquents are found in families more fortunately circumstanced as well.

It is a fact that the larger part of our juvenile court cases come from among the poorest segment of the city's population. It seems most likely that this is due to lack of home and neighborhood advantages (material, social, and psychological). But another consideration is fashions in delinquent behavior, which may have the outcome of more crimes of a violent character, say, in one sort of neighborhood and more crimes of stealth in another. Finally, there are the very important differentials in financial ability of parents to make private arrangements for the care and treatment of problem youngsters.

Ours is a Nation dedicated to the proposition that all people should be accorded an equal opportunity to make their way in the world, that a man should be judged on his merits. Reflect upon the measure of our failure if I report that an out-

² Juvenile court records list 3 or 4 times as many boys as girls, however girls' social histories reflect similar problems. In my own report, "boys," in most instances may also be read "children."

standing scholar in the field contends that "the permanent factor which perhaps contributes more than any other to the creation of delinquency (is) bad housing." As it happens, our achievements in this field and the nature of the road ahead lie beyond the province of this report. But I would like to add one more homely example of the kind of environmental pressures affecting children in New York, 1955. A well-informed official³ estimates on the basis of reported cases that in our city some 25,000 human beings—mostly babies—are bitten by rats every year. It is hardly necessary to ask oneself how such an occurrence affects the outlook on life of the victim—and his family.

Perhaps one final note on environmental deprivations will suffice. This story is told by a social worker who has a most distinguished record of service over the decades in some of our more underprivileged neighborhoods:

"(There are neighborhoods characterized by) acceptance of the inevitability of adult crime, juvenile delinquency * * * racial tensions, gang warfare * * *. In such a neighborhood I was told by a 15-year-old boy who had just stabbed another boy with a penknife, that 'you could get a good paid job sticking people if you got good at it.' That was 25 years ago, and that neighborhood is worse today, not better. The bootleggers of prohibition have given way to the narcotics pushers."

PUNISHMENT AND REFORM

In devising programs to meet the challenge of juvenile delinquency, we are confronted with a major dilemma of approach at the outset. Many would subscribe to the philosophy of a social agency which has been notably successful in its work with every sort of delinquent over a period of more than 50 years:

"The delinquent (is) primarily a products of social forces, of disorganized homes and unhealthy neighborhood conditions. He is in the main a deprived youngster whose emotional needs have been insufficiently satisfied. His behavior is a reaction to his life experience."

Others contend that a crime is a crime and that anyone not a mental incompetent should be made to answer for his actions. They contend that a "sentimental" approach is interpreted as weakness on the part of society, that punishment is the sure deterrent.

But the facts simply do not support this latter view.

"* * * in all the reliable 20th century studies on the causation of delinquency and crime, it is almost impossible to find a reference to leniency of punishment as a cause. * * * The history of punishment shows that there is no necessary correlation between the severity of punishment and the incidence of crime. * * *"

There would seem to be a need to steer a sure course between what most thoughtful citizens might characterize as the "sentimental" and the "revenge" approaches to this question. Mr. Justice Cardozo many years ago observed that the justice due the offender is due the community as well. Law is the adhesive that binds our society together; it is not to be violated lightly.

Actually, the most "moderate" of the experts in the field seem to feel that punishment can play a constructive role in rehabilitation, if it is applied planfully and for helpful rather than vengeful purposes. Unfortunately, many people believe that juvenile delinquency is the evil fruit of a "spare the rod" philosophy. There certainly can be no doubt that there are children who, as a result of having been spoiled, are completely regardless of the rights of others. A larger group of juvenile delinquents, however, and a group more typical of these problem youngsters by and large, have experienced punishment—and corporal punishment at that. They have probably had too much such treatment, rather than too little.

Recent studies show that one-fifth to one-third of all our nondelinquent children and young people experience physical punishment at home. A study of delinquent children on the other hand, shows twice as many receiving physical punishment. The superintendent of a midwestern reform school remarked to a visiting journalist that he used the paddle because 90 percent of his boys reported they'd been whipped at home. And the reporter⁴ very acutely observed that "apparently whipping failed to act as a deterrent for 90 percent of the boys who ended up in this institution. It seems to me that there is a lesson here to reflect upon as we proceed with our planning.

³ Charles Abrams.

⁴ Albert Deutsch.

In my own thinking, I would be inclined to go along with the joint public-private service bureau which operates in the offices of our district attorneys. This organization contends that even youthful offenders should not be regarded as completely helpless victims of social forces. The offender has played an important part in whatever train of events has culminated in his conflict with the law. And he has a part to play—in a very real sense, an independent part—in the process of finding a constructive place for himself in the world.

"Nobody can mold anybody else's character because a human is not a lump of putty. He is a living being—he grows * * *. The impulses which may have taken a vicious form and brought boys into conflict with authority are basically the energies of life. It is within the realm of the possible to redirect these energies so that they will no longer destroy but instead serve the better interests of (young people) and of society * * *. (This redirection) is an achievement of the youth himself. His counsellors help by making his problem clearer to him, by encouragement and suggestion. But when the change takes place, it is the individual concerned who makes the effort."

Before proceeding to discussion of the particular programs I have suggested for high-priority consideration, a few more general observations may not be out of order.

RECIDIVISM

While I shall not discuss the matter at length in this report, the problem of repeated delinquency, unreformed offenders, is a crucial one. When a wrongdoer is caught, society has an opportunity—in cases where he is not executed or imprisoned for life—to set him on the right path. The ultimate test of correctional institutions is the recidivism rate; do offenders reform, or does the correctional treatment leave them uncorrected.

There is beginning to be a highly illuminating body of literature in answer to that question. And some people may be surprised to learn that in study after study of juvenile delinquents, it is the institutions with the social workers, the psychologists, the special teachers—the institutions that talk about "trying to understand and help each boy"—it is these institutions that prove to have the smaller proportion of children reappearing in our courts and police stations.

Nationwide studies, studies in Chicago and in Boston, show that 6 delinquents in 10 (in some places more), turn up again, following institutionalization. But 2 really treatment-oriented centers here in New York report less than 3 in 10 of their boys turn up in court after being released. Dr. Frank Curran (who served the New York City children's courts as a psychiatrist at Bellevue Hospital) reports that of his first 300 juvenile cases there,⁵ only 1 in 10 had reappeared in the courts for antisocial acts, 1½ to 2 years later.

In the case of those who have to be removed from circulation for a period, the case seems clear. Our interest is cutting down on delinquent behavior for the sake of the community, and with an eye to a useful, satisfying, socially accepted life for the adjudged delinquent. If our interest in short is rehabilitation rather than vengeance we are now in a position to say that reeducation must go on alongside the temporary loss of liberty that the offender must not merely be punished but counseled and helped. Of "correction" and correctional institutions it is truly possible to say "by their fruits ye shall know them."

A "HARD CORE" OF JUVENILE DELINQUENCY?

Our city is growing; there is an ever larger crop of youngsters entering the delinquency-hazard age bracket, 5-20 years.⁶

In 1950 one-fifth of our population fell into this age group. But by 1960, with the war babies and the postwar babies growing up, 1 New Yorker in every 4 will be between 5 and 20.⁷

If juvenile delinquency is a problem now, we really have something to insure against, with regard to the future. For if the delinquency rate were to stop rising, if we could merely hold our own, the number of delinquents in the larger youth population—at the present delinquency rate (roughly 2½ percent)—would by 1960 stand 9,000 higher than the present figure.

⁵ In 85 percent of which, the courts concurred with psychiatric counsel.

⁶ If 5 seems a tender age to list as the lower limit, I might mention the fact that in the Gluecks research, more than 44 percent of their 500 delinquents displayed clear signs of antisocial behavior between the ages of 5 and 7.

⁷ City Planning Commission estimates.

A possibly fruitful line of inquiry in determining just where preventive services might most suitably be directed, is suggested by two recent studies in St. Paul, Minn. and in San Mateo County (around San Francisco). This research concentrated on the proportion of social problems presented by a relatively small number of families in each community. The San Mateo report, for example, reported that 1,267 families, only 1½ percent of the total number, accounted for every (detected and reported) case of juvenile misbehavior as well as about half of the petty crimes and misdemeanors in the whole community. Findings along the same lines are reported by parallel welfare research projects in Maryland and Minnesota.

If our own youth-board data are analyzed along roughly the same lines, focussing upon the relatively small number of delinquents who appear on the register more than once, a figure for New York of the same order of magnitude is suggested. The hard core of the juvenile delinquency problem may well be found in just a few thousand families here, out of a total of close to a million families with children aged 5 to 20.

A study of the actual dimensions of this small but crucial aspect of the problem may open the way to new approaches to the challenge of delinquency. The idea certainly seems worthy of the most serious consideration in our overall planning. But it must be well understood that working with the segment of the population considered here means working with those presenting the thorniest problems: people often demoralized, hopeless, long and deeply entangled in a multitude of social problems, people often suspicious and hostile toward both officials and social agencies. These are the uncooperative, the unresponsive, the cases with poor prospects. But they are people who badly need help, and people who present a formidable problem to the community at large, draining resources from a variety of channels both as criminals and as chronic dependents. The particular group to which I refer includes families known at one time or another to a very large number of welfare agencies. It cannot in any sense be regarded as identical with the welfare department caseload, the overwhelming majority of whom are good citizens dependent through no fault of their own.

CONSERVING PUBLIC FUNDS

In considering which programs we should underwrite, there is an important word to be said about conserving public funds. For one thing, our endeavor should be to channel what money we do have into programs where the largest possible proportion of it gets to the firing line.

We should, however, be prepared to reexamine operations that seem promising, after a time has passed. Careful assessment and factfinding programs should be built into our various activities in this area, as we embark upon them.⁸ This is a task calling for scientific know-how, it cannot be adequately handled by mere administrative procedure. I am therefore recommending an overall coordinated study project in addition to factfinding in particular agencies.

To undertake a course of action without a positive knowledge that it will succeed is unfortunately a not-uncommon necessity. In our present situation we cannot mark time. But to muddle along indefinitely without even trying to ascertain whether we were moving in the direction of a solution, would be unpardonable. "Practice cannot and should not wait upon research, nor should research be delayed until practice is well established. We shall be most likely to discover how to prevent delinquency if research is undertaken coordinately with the development of new measures and the refinement of old ones, if research and practice are conceived as inseparable parts of a single process."

PRIORITY PROGRAMS

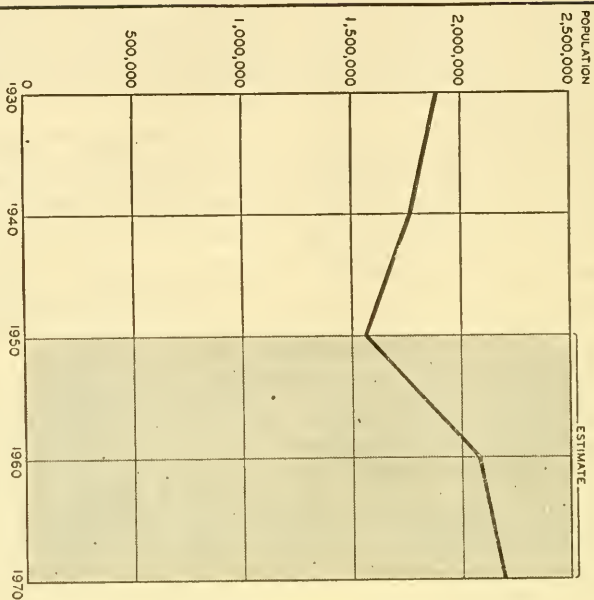
A thorough-going preventive program that would attack juvenile delinquency at the most basic level might include operations having to do with housing, employment, family living standards, social discrimination. And even the most ambitious program, we must realize, can be expected rather to diminish delinquency than to abolish it. We are no more likely completely to prevent delinquency than we are to abolish adult crime.

⁸ Note in this connection the youth board's research project to find out whether we can spot delinquents before they get into trouble, and how effective our help proves to be. This is a follow-up on the Gluecks' study mentioned above.

JUVENILE POPULATION OF NEW YORK CITY

AGES 5-20

1930-1970

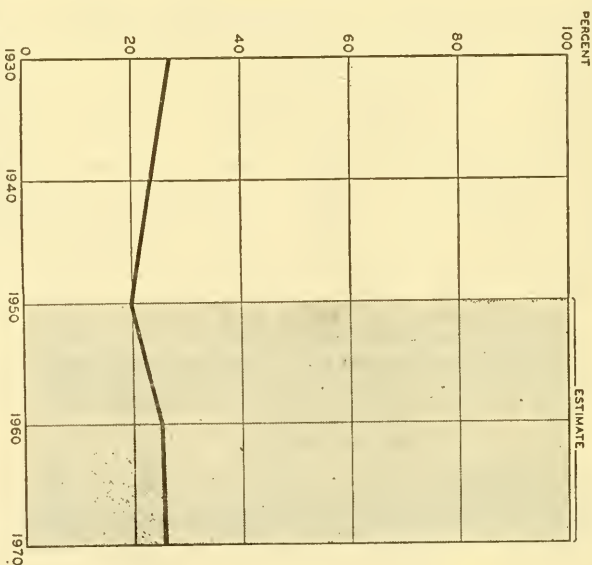


CITY PLANNING COMMISSION

JUVENILES AS PERCENT OF TOTAL NEW YORK CITY POPULATION

AGES 5-20

1930-1970



CITY PLANNING COMMISSION

In presenting these priority programs, then, I am proposing merely a number of relatively small-scale projects, designed to meet the challenge in some very different ways. All seem to be pointed in a promising direction; in a sense, each program stands on its own, but in another sense, they are complementary.

These approaches are among the more promising at the present stage of our knowledge. I present them in a firm belief they have the greatest likelihood of success. But even those that seem the most sensible offer no gilt-edge guaranty.

For example, I am endorsing recreation programs through our public housing authority, in the public schools, through the youth board (private agency contracts, etc.). I have endorsed these three programs in the belief they will offer indispensable services to large numbers of youngsters who might otherwise have to do without.

But we cannot depend upon recreation alone to do the job. Despite our best wishes, there are complications: (1) Children can participate at length in the the best of recreation programs, yet have plenty of time in odd hours to get into mischief, if they're so inclined; (2) recreation programs can reach half the children, three-quarters of the children in a neighborhood, yet fail to include precisely the ones who are headed for trouble. I can recall one authority remarking upon the fact that he never had known a member of a particular youth organization to have turned up as a delinquent. Now, he meant to call attention to the value of the organization in preventing delinquency, but he may actually have only pointed out that the organization simply failed to reach the kind of boy who got into trouble.

I have digressed to point out the possible weaknesses of a kind of program in which I really have great faith. My intention was not to confuse the issue but to bring to the reader's attention the very imprecise state of our knowledge as to what may really serve to cut down on delinquency. Every one of the 10 priority programs detailed in the following pages has already been well tried in the field and seems to be meeting a vital need. I am convinced that neither parent education, nor club work, nor school programs, nor youth police alone can solve our problem. Together, however, they piece out a fairly inclusive pattern of attack upon the variety of anti-social acts we call juvenile delinquency.

Recreation and community programs in public housing

Some 78,000 child live in only 27 of New York's public housing projects. In order to provide for full utilization of existing community recreation facilities in these buildings, I have recommended adoption of a \$203,513 per annum staffing program developed with the collaboration of Chairman Philip Cruise of the housing authority. This, I am happy to say, was appropriated March 25, 1955.

Six facilities will be operated as extensions of settlement house programs, two by the authority itself, 19 by the bureau of community education of our public schools.

Asked for his reaction to this proposal, Professor Sheldon Glueck of the Harvard Law School, regarded my many as probably the foremost authority on juvenile delinquency wrote:

"I think you are definitely working in the right direction. My only suggestion as to the budget request is that perhaps it would point out that the proposed community facilities could be of value not only for the children, but for the parents. One of the basic differences between delinquents and nondelinquents is the relative infrequency with which the families of the former engage in group recreation. The provision of leadership for the proposed community centers should stimulate the restoration of a long lost and highly social value—family-group recreational activities both in and out of the centers.

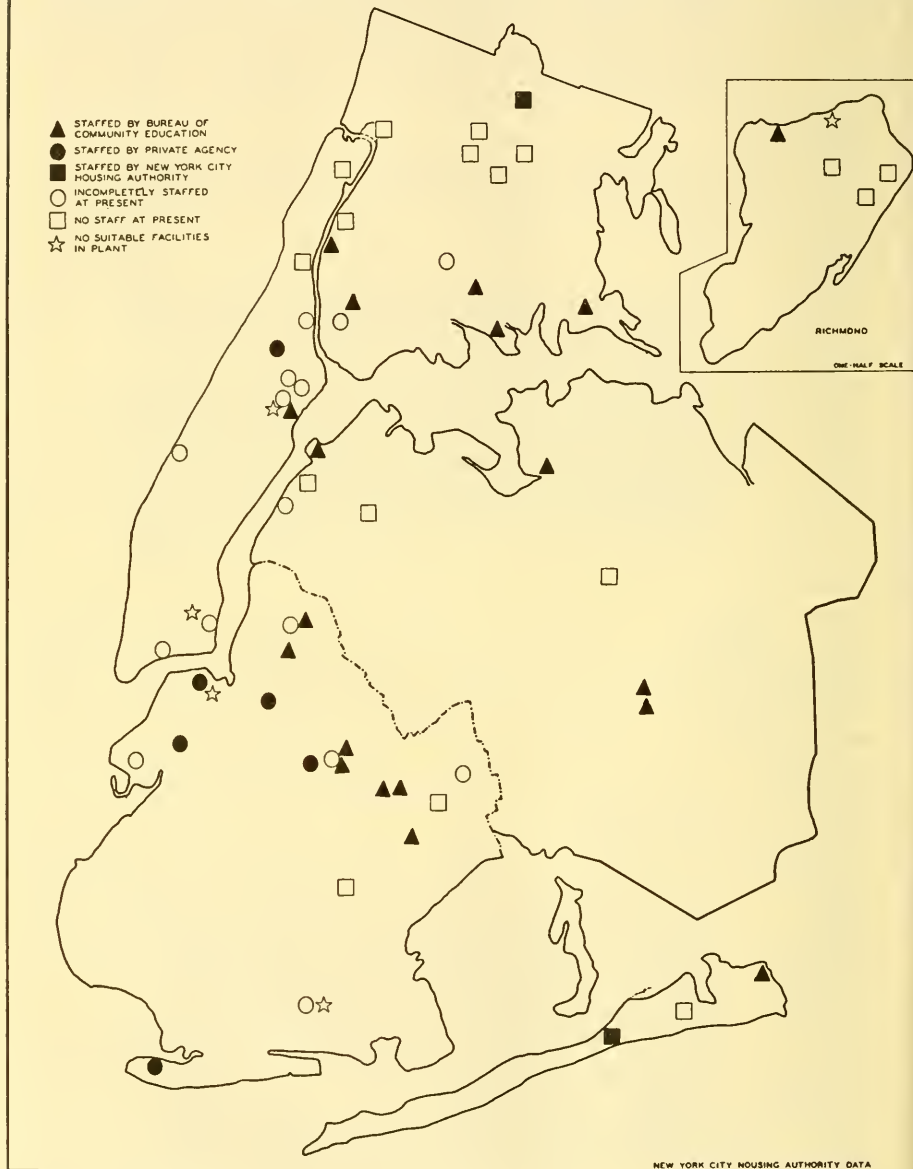
Another suggestion that might strengthen the appeal of the budget requests would be that the proposed community centers might also be used as places where troubled parents could go for consultations and guidance regarding the emotional and behavioral problems of children. It could be provided, in collaboration with child guidance clinics, to have such consultation services supplied once or twice a week at the centers."

These additional facilities will be made available as fast as this program can be put into operation. It should be noted that the cost of year-round program in these centers all over the city, serving 191,400 of our citizens (78,000 of them children)⁹ is relatively insignificant, in view of the kind of job we know can be done by skilled leaders. These services (housed in already available plant)

⁹ To these should be added those served in the surrounding neighborhood.

COMMUNITY CENTERS IN PUBLIC HOUSING PROJECTS

- ▲ STAFFED BY BUREAU OF COMMUNITY EDUCATION
- STAFFED BY PRIVATE AGENCY
- STAFFED BY NEW YORK CITY HOUSING AUTHORITY
- INCOMPLETELY STAFFED AT PRESENT
- NO STAFF AT PRESENT
- ☆ NO SUITABLE FACILITIES IN PLANT



NEW YORK CITY HOUSING AUTHORITY DATA

will cost the city no more than the operating expense of a single large-scale facility which would hardly be in a position to provide for so large a number.

This program, a beginning, should be followed by like programs in other public housing projects on a selective neighborhood need basis. Provision of staffs for middle-income projects, for example, is presently under consideration.

Remedial reading

Reading retardation is one of the special handicaps often associated with juvenile delinquency. The retarded reader is unable to meet other children on equal terms since he is materially handicapped in the area of activity that consumes the largest single block of his waking hours. As he moves into the higher grades ability to read becomes essential to any other kind of learning—textbooks and other printed material become the major tool.

The child who can't make a "go" of things in school gets more and more into a rut of failure and frustration. He becomes insecure, hostile, rebellious. A mid-western school official writes:

"As to the question of relationship between reading disability and what is called juvenile delinquency, there is no question in my mind. When children are required to perform with textbooks for 5 hours of the day, they have to be at least moderately successful. When they are not, the tension and strain of fruitless effort, aggravated by the censure of the school, becomes intolerable and the kids will compensate. They may do so by heaving rocks through windows or punching other kids, but when these outlets pale they have to move on to more spectacular and undesirable behavior * * * Problem children who have been given reading skills generally cease to be behavior problems when they are released from the clinics."

The bureau of child guidance in our own public-school system estimates that: "Two-thirds of the children referred (for problems of various sorts) show some degree of retardation in reading * * * fully one-fifth show a severe reading handicap * * * It is highly probable that the proportion of children with reading handicaps among * * * truants and delinquents would prove to be higher than 20 percent * * * systematized individual and small-group instruction for these children often overcomes this handicap and reestablishes a degree of confidence in themselves which can do much to facilitate their readjustment."

The board of education personnel who know this field agree that: "failure in reading accounts more than any other single factor for behavior problems, truancy, and general school failure."

Chief Justice John Warren Hill of our children's court contends: "It has been shown conclusively that there is a definite link between * * * reading-retardation and delinquency." Reading difficulties were reported for 75 percent of the delinquents in the nonschool part of children's court; of the boys in detention at Youth House, 85 percent are handicapped by being unable to read books appropriate to their grade in school.¹⁰

This is no small scale challenge. As of 4 years ago, 35 percent of our students entering academic high schools and 80 percent of those entering vocational high schools were a year or more retarded in reading (joint State-city study).

In June 1954, 20,000 New York City children, from the fourth to the sixth grade alone, showed a reading retardation of 2 years or more.

More than half of 55,000 New York City eighth graders examined a few years ago were below grade in reading ability, and 1 in 5 failed even to score at sixth grade level.

Our public schools are presently providing "remedial reading teachers" for less than 20 percent of the children who are handicapped by major reading disabilities. Four children in five have to "make do" with regular classroom resources.

Only 117 of 553 grade schools have a "remedial reading teacher." There is no developed program, centrally staffed for the junior high schools. Any remedial reading work in the high school is strictly on the initiative of the individual principal.

In grade schools the "remedial reading teachers" (who have helped many children and are a source of valuable counsel to other teachers) are almost all regular classroom personnel who have had 2 weeks of in-service training.¹¹

¹⁰ This compares with Traxler's study indicating only 10 percent of the Nation's school population requires special help because of retardation in reading.

¹¹ It should be recognized that many have gone on to secure certain training beyond the minimum.

Authorities outside our school system feel that it takes a year's or 2 years' training to acquire real competence in coping with the variety of problems presented by retarded readers.

Although reading retardation is commonly associated with emotional problems, it is the rare case served by remedial reading staff in which the bureau of child guidance is also involved.

There is an urgent need for expansion of the volume of remedial teaching available in our schools.¹² And there is a need, too, for adding a number of fully qualified specialists to provide intensive services for children with major conflicts in their approach to school work. The coaching job that present staff contributes is a creditable one, but there are many cases where coaching is not enough.

Reading disability is most commonly associated with boredom with school and general maladjustment. While native intelligence is about the same for both boys and girls, reading retardation (like delinquent behavior) is found far more commonly in boys. Since there is good reason to presume that emotional rather than purely intellectual obstacles are involved, service in this field cannot be carried on single-handed by classroom teachers, no matter what in-service helps are made available to them. Wherever a remedial reading operation is offered, it realistically must provide for adequate social work and psychological services on a "built-in" basis. Employment of such personnel should not be at the expense of bureau of child guidance services.

To place on remedial reading teacher in every school having 30 or more eligible children would require at least 100 additional positions. If fully qualified specialists are not recruited for this work, there should at least be a psychologist and a social worker as consultants to the reading teachers; 1 such team with each of the 24 assistant superintendents.¹³

Superintendent of Schools Jansen is agreed on the importance of focusing efforts upon reading. As a matter of fact, an attack upon reading problems has been chosen by the school authorities as a No. 1 objective for the next academic year.

The board of education budgeted expansion centers about an imaginative summer program (integrating coaching in reading with a recreation approach) and "reading clinics" so small as to be of a demonstration character. The two undertakings combined were budgeted at \$48,000, scarcely more than one one-hundredth of 1 percent of next year's school expenditures. A larger commitment would seem desirable. I would in fact go beyond the board of education's modest request. So vital do I consider this activity that I would strongly urge at least 150 added reading teachers and specialists, and combined summer reading and recreation programs on a substantial scale. A start should be made promptly.¹⁴

Police services and juvenile delinquency

I have reviewed with Police Commissioner Adams the role of the police in meeting the challenge of juvenile delinquency. We see eye to eye on the importance of adequate provisions for law enforcement. Our city must dedicate itself to a reign of law and order, and youth who think they are outside limitations which the rest of society accepts have got to learn the facts of life.

But the law does not survive by force alone. And the police have a real contribution to make beyond deterrence, enforcement, apprehension, detection. We are returning to the good days of "the officer on the beat," and the police officer on the beat is as likely a man as any to know just which kids are headed for trouble. There are situations where a friendly interest will "turn the trick," others where a judicious word to parents will help set a youngster straight.

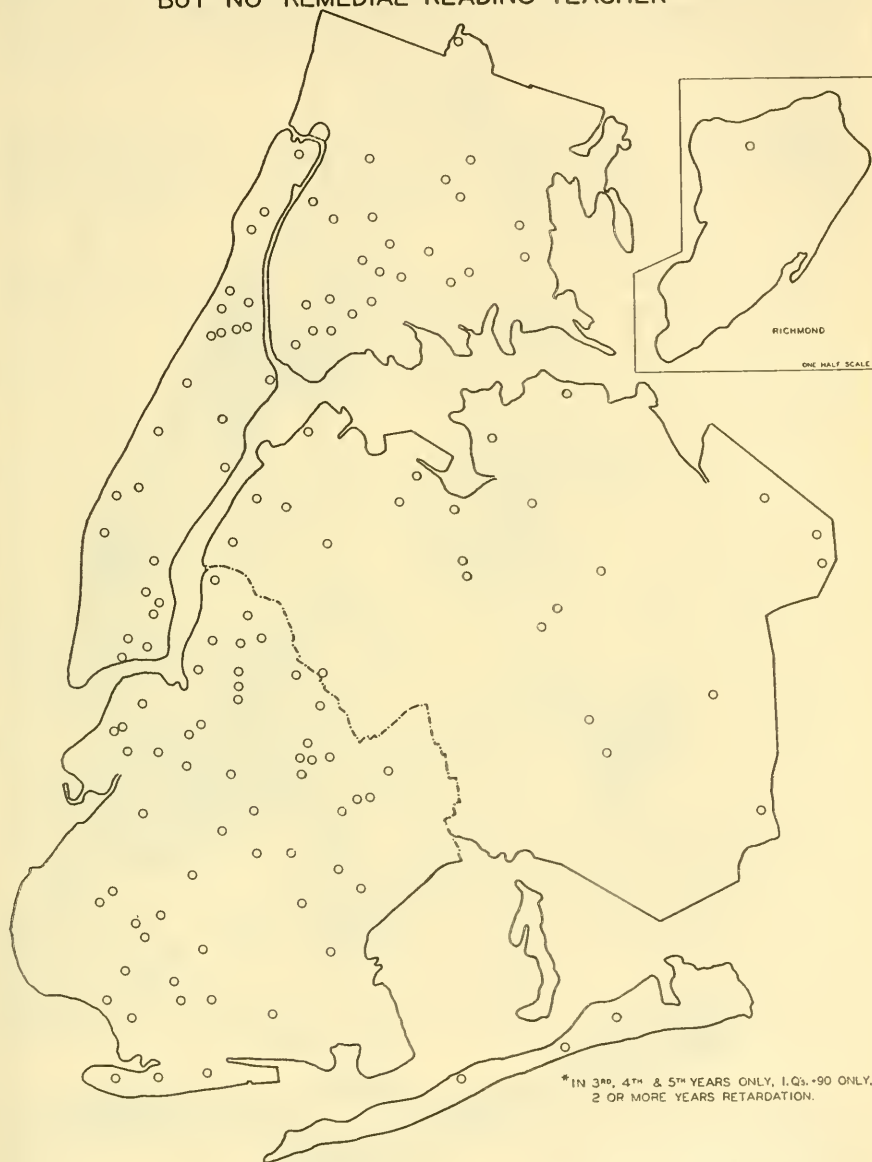
In some situations, however, a good deal more than incidental interest or a few well-chosen words are called for. And while force may clamp down the lid for a while, I am convinced it can never solve problems in the long run. There are boys, and girls, too, who can be set straight even after the first transgression. But setting them straight may take more time than an officer on street patrol can give, and oftentimes a little highly specialized understanding is needed as well. This is, I believe, where a police unit such as the juvenile aid bureau could come into the picture.

¹² At present, despite an increase in the number of pupils, the number of "remedial reading teachers" is one-fifth lower than it was in 1947.

¹³ At present there are no such personnel at all assigned to this program.

¹⁴ The cost of the program outlined above would be about \$750,000 per annum. This, however, does not provide more than one teacher for schools having large numbers of retarded readers.

GRADE SCHOOLS HAVING MORE THAN 30 RETARDED READERS*
BUT NO "REMEDIAL READING TEACHER"



Replying to an inquiry in 1952, of members of the International Association of Chiefs of Police, every one of the 20 reporting for American cities of over 500,000 population had officers of whom special qualifications were required, assigned to work with juveniles. These are policemen who can make social investigations of sorts, as well as criminal investigations. All our great cities have special policemen and policewomen who understand young people, who can be friendly and who can be firm—police who bring to their assignment a groundwork in psychology—officers who know which agencies in the community are best in a position to help a youngster headed for trouble, before catastrophe engulfs him.¹⁵ This mission involves something more than surveillance of bars and dancehalls.

Our own juvenile aid bureau personnel must all have served at least a year in the precincts; almost all of them have had special schooling in the social sciences. This arm of the force has a vital job to do in explaining the law and the police to young troublemakers. JAB patrolmen are in a position to make immeasurably easier the job of the pastor, the settlement club leader, the school-teacher—yes, and the parent.¹⁶

JAB followups on juveniles not arrested (probably the major service JAB renders the rest of the force) were up by 19 percent last year. But during the same period, personnel available for service in the field dropped by 2 percent.

JAB at present is without units in almost half the divisions in the city.¹⁷ From sunset to dawn the Bureau is such a skeleton that there is practically no JAB. If we were to staff our JAB to a level where half the cities in the country were ahead of us in number of juvenile officers per 100,000 population, JAB strength would be 250. I hope New York eventually will be above average.

Commissioner Adams recognizes the valuable work done by JAB officers. The accompanying map, showing incidence of youth offenses in the city of New York, is based upon data supplied by JAB from its records and knowledge of conditions.¹⁸ But the commissioner and top level police department staff do not feel that they have sufficient adequate and reliable data on the work of JAB and youth patrolmen to warrant a present citywide expansion of such forces. Where adult crime has dropped sharply as a result of the experiment in providing a larger number of officers to particular precincts, a corresponding result has, at least outwardly, been evident in juvenile offenses in the same areas. The commissioner is convinced that he must, in justice to his duty to the city, concentrate on basic police protection problems. Yet he is sufficiently convinced of the inseparable interrelationship of youthful offenses and criminal activities generally, not to abandon the work of the JAB and youth patrolmen at this time.

Commissioner Adams and I have agreed that the work of the JAB¹⁹ should be put to an intensive test and study in, say, 4 areas in which the incidence of juvenile offenses is greatest. Controlled observation of results is planned over a period of 5 years (a maximum figure). The roles of both JAB and youth patrolmen in the police department are presently undergoing review and appraisal. This control period will permit an evaluation on which to base conclusions for citywide expansion, or a transfer of this phase of community work to some other agency. Such experimentation and close observation will cost less than an overall program in this field for the entire city.

I believe that while Commissioner Adams' experiment is in progress, provision should be made for enlisting the services of civilian specialists to make available to the Department useful approaches from related fields. Mr. Adams is, of course, interested in evaluating the effectiveness of a youth-police operation that is no "strawman." I know that he will cooperate in every way with the professors on the overall assessment unit which will integrate factfinding with reference to operations of all agencies working in the juvenile delinquency field.

¹⁵ Every one of the units in cities of over 500,000 population is affiliated with at least one community planning or coordinating agency (such as welfare and health council).

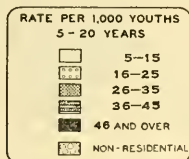
¹⁶ I believe that specially trained police personnel can make a unique contribution in working directly with parents, perhaps on a block-by-block basis. But a program along such lines may have to be deferred pending completion of the study process mentioned below.

¹⁷ Juvenile aid bureau units are assigned responsibilities which cover the entire city. However, as JAB is not organized on a divisional basis, most units must serve two or more divisions, regardless of the division in which they are located.

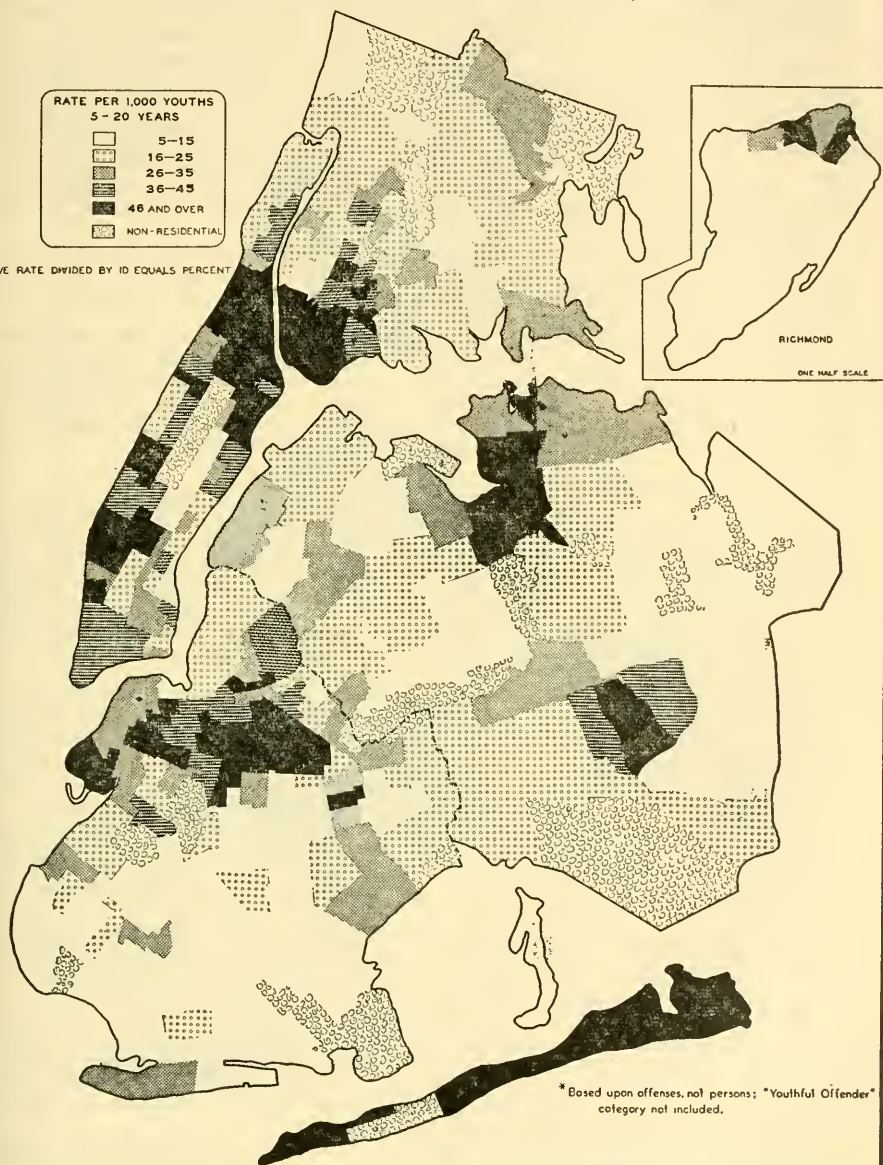
¹⁸ Comparisons are in terms of the number of actions per precinct. These figures are not adjusted for differences in the size of youth population, which varies from precinct to precinct; delinquency statistics computed "per 1,000 youth" are presented on the map showing youth board data.

¹⁹ With which should, I believe, be combined that of the youth patrolmen.

DELINQUENCY* RATES BY AREA, 1954



ABOVE RATE DIVIDED BY 10 EQUALS PERCENT



* Based upon offenses, not persons; *Youthful Offender* category not included.

NEW YORK CITY YOUTH BOARD DATA BY RESIDENCE OF OFFENDER

Narcotics

I regret to report that while drug addicts have disappeared (or have been pretty well driven underground) in our schools, there is every reason to believe that narcotics still represent a major problem in the juvenile field and addiction is on the increase.²⁰ A large majority of our youthful drug users come from neighborhoods where narcotics are more readily available and represent the poorest educated youths. Interestingly enough, it appears that although most of the addicts are found in high delinquency areas, there are certain areas of equally high delinquency where drug use has not spread to any great extent.

Researchers report that while there are more delinquencies for profit in high drug use areas, the increase in delinquency as a whole (and in felonies) has been no greater in high drug use than in low use areas. Indications are that gang membership (as such) by and large does not lead to addiction. Furthermore, education regarding the effects of drugs has proved effective in the cases of children reached before the critical age; by the time a boy is 16, it may already be too late. There is every reason to believe that such factual information serves an especially useful purpose when provided to youth in the areas where drugs are in any case more readily available.

The board of education a couple of years ago provided the schools with curriculum materials on drugs for grades 7-12. Consideration might well be given to doing some of this teaching in the 6th grade as well, to reach more children approaching their 14th year.

There appear to be no particular measures indicated at this time which are not already being applied. Research still in progress, however, may point to new programs. We have a demonstration program at Riverside Hospital to provide special treatment and followup care to teen-age addicts. An evaluative study of this project will be undertaken very shortly, to report to the community on what has been learned there and what is being accomplished.

Youth board street clubs and casework services

The New York City Youth Board has been doing a notable job with predelinquent and delinquent youth who seemed too tough for any other agency to handle. Developing from a pilot project sponsored by welfare council, the council of street clubs, now provides a corps of specially trained, highly skilled group workers who maintain a continuing contact with some 22 teen-age gangs.

As a result of the patient efforts of the social group workers, youths who were prone to street fighting and even more serious crime are now moving in the direction of running successful social affairs and building their reputation in a more socially acceptable fashion.

Make no mistake, this work is difficult and sometimes disappointing. Boys who have been embittered by school failure, poverty, and social discrimination, who have acquired their learning from hard tutors in the streets, do not become little gentlemen overnight. It is just as well we recognize this so that no impossible demands for window dressing "progress" reports confront this staff. They are walking a tortuous road, but there have been some notable achievements.

Among the groups reached by this work, "gang wars" are virtually ancient history. But the same cannot be said of other clubs in the same or other neighborhoods, for whom we have not provided helpful leaders. To "pal around" with the boys, to help arrange activities, to smooth school relations, more leaders are needed.

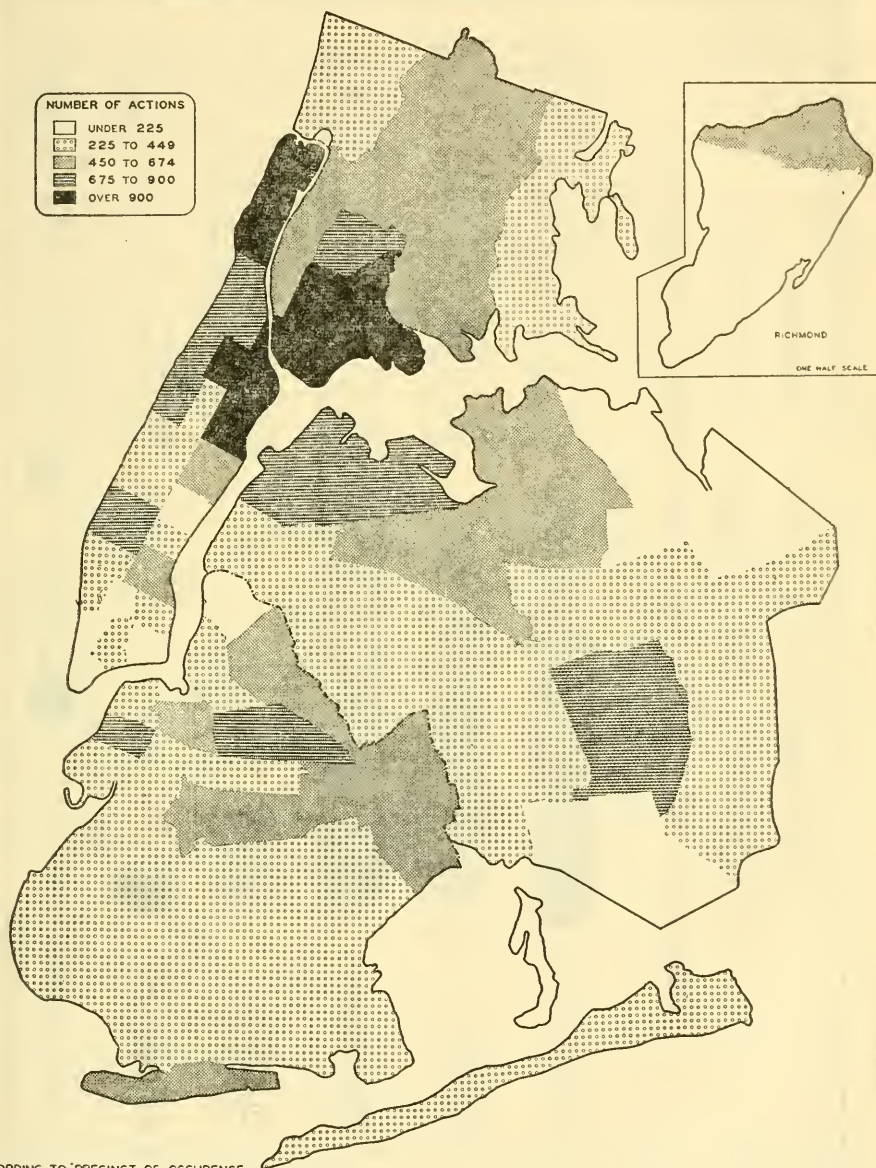
The youth board proposes doubling the number of street clubs served in the present project areas; extension of service to other neighborhoods in equal volume is also suggested. I strongly recommend that every cent requested for this work be appropriated without delay.

There are precious few private agencies willing to undertake the difficult area the youth board has cut out for itself. There is no agency in a position to carry this work through on the scale of the youth board operation. Their leaders have the spirit, the will, and the know-how; money is needed to quadruple staff on this operation. It means reaching directly a pretty obstreperous sector of youth, some of them before they get into serious trouble.

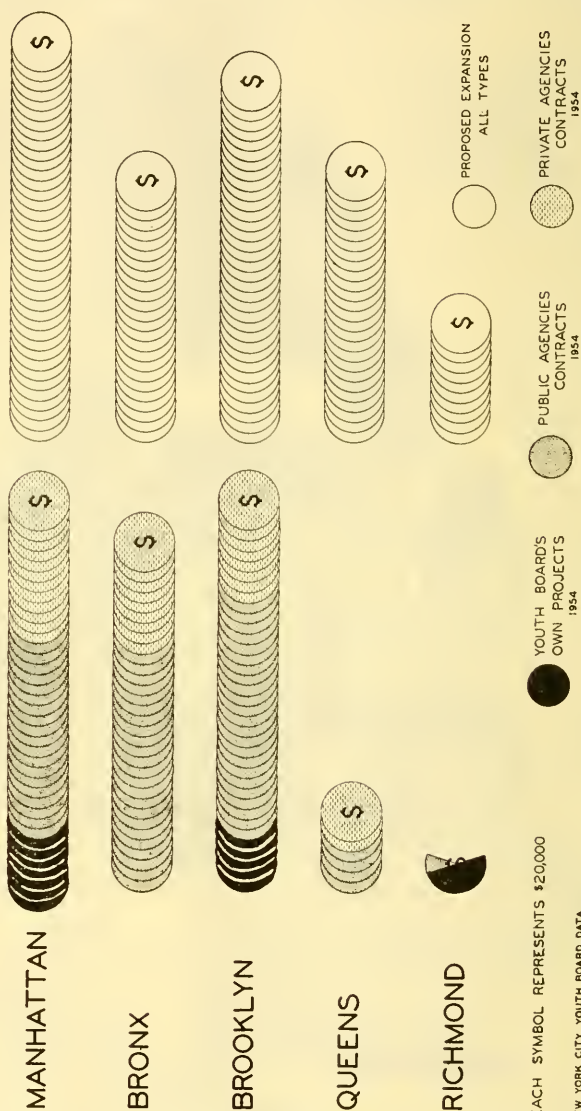
The street clubs project needs an increase of \$508,000 by 1957-58. The youth board can indicate by how much it is in a position to expand operations this next year.

²⁰ Juvenile drug arrests were up 30 percent in 1954. However, this may in some degree reflect the availability of a larger number of enforcement personnel. Commissioner Adams has been adding to the drug squad for some time and three times as many men are now on the job as compared with 1951. New York owes its welfare council a salute for sounding a danger signal several years ago.

ARRESTS AND POLICE REFERRALS



NEW YORK CITY YOUTH BOARD ALLOCATION OF FUNDS BY BOROUGH PRESENT PROGRAM AND PROPOSED EXPANSIONS



To back up the street club workers, the youth board is ready to recruit social caseworkers and even psychiatrists who are prepared to work on the street, in poolrooms, in the back of a store, where these youth are to be found. Many have problems of adjustment, employment problems, other needs beyond the skills of their group leaders. In some instances, a good counselor can be of real help not only to the boy but in straightening out a difficult family situation as well.

There is a crying need in this city for a corps of specialists in personal and family problems who are willing and able to go out to people who need help instead of sitting in an office waiting for clients. The youth board services to families and children has demonstrated over a period of time that it is up to this job and has the will to carry it through.

An increase of \$270,000 by 1957-58 has been requested. Here, too, there is virtually no other agency to provide the service.

I strongly recommend that these funds be granted. However, I suggest that a clear statement be obtained from the youth board as to what proportion of this program will be earmarked for services to adolescents and their families. This work to date has been focused around 9-year olds, and while that service sector should unquestionably be supported and extended, there is a crying need for work with the older group as well.

I think our city can take real pride in the pioneer job the street-club project and the services for families and children are doing. I have seen the letters of inquiry the youth board has received from other cities contemplating similar programs, the letters from overseas, as well. We are charting a new path of service to those who need it most; this is an approach to some of the very thorniest problems in the whole welfare field. And it is an approach that seems to pay off.

Providing comprehensive youth board services in three additional areas

The youth board's comprehensive juvenile delinquency index, which includes all police and court reports,²¹ shows that in addition to the 11 neighborhoods in which program is presently concentrated, 3 new areas have passed the critical point. Funds should be allocated without delay for putting into Chelsea, part of Long Island City and northern Staten Island the full battery of case work, group work, and recreation services which already are contributing so largely to stemming of the tide of delinquency in other high-hazard neighborhoods.

Right now, in Chelsea, for example, the private agencies are making a real effort to cope with an increase in delinquency, but the problem is simply beyond their resources. There are large numbers of teen-agers drifting about the streets, loath to participate in established recreation programs, looking for a little excitement. We should be imaginative enough to throw something substantial into the gap right now, before trouble breaks out.

This is a tough neighborhood, but it has good citizens who have organized to try to get some action on their problems. Newcomers, who have moved in of recent years, are finding a place in the life of the community but they need help; so do the people who have lived on the lower West Side all their lives.

It is regrettable that shortage of funds impels us to wait until the 11th hour to provide opportunities that should have been made available all along. But it is the 11th hour now. I have examined the shifting pattern of delinquency rates. To wait any longer would be disastrous.

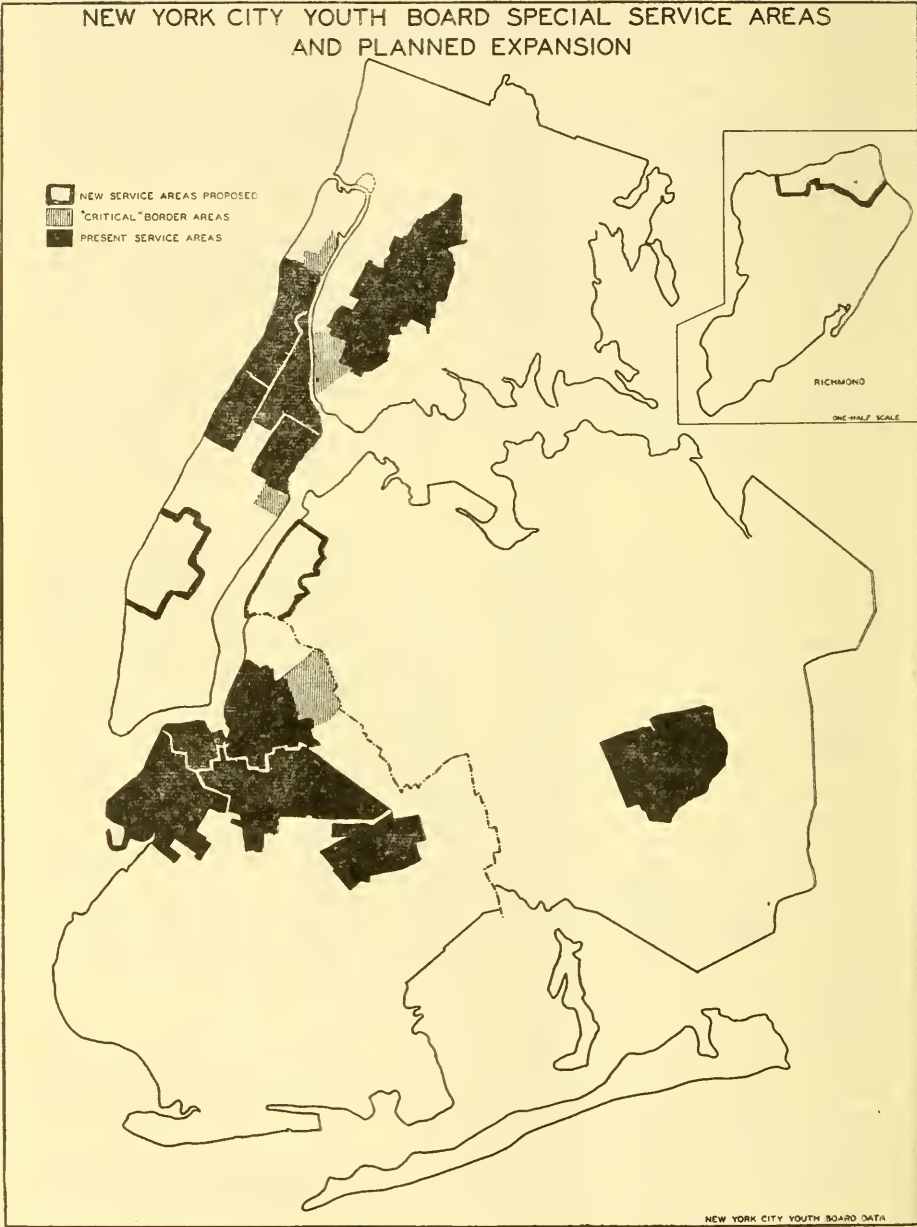
To serve three new areas, youth board estimates the increase in cost as of 1957-58 would total \$1,314,500.

That is a lot of money, but the youth board is prepared to show how many would be reached in recreation programs, in club work, through case-work treatment and counseling.²² Included in the total also are funds for referral units; special groups of social workers to talk with problem youngsters right in the school and take steps to insure proper followup.

In connection with the referral units, however, I would recommend that the youth board be urged not to confine them to grade schools alone, as has been pretty much the practice to date. More of an attempt should be made to reach teenagers. This means consideration not only of junior highs, but of high schools as possible locations for referral units.

²¹ Except for confidential "youthful offender" data.

²² An important aspect of the youth board's program is the fact that it centers around services available, for the most part, in the neighborhoods. Patience and persistence are called for in promoting the use of neighborhood resources. The tendency of certain agencies, even those receiving public funds on contract, to shift operations to a few central locations is deplorable.



Teacher rotation

It is generally recognized that there are a number of regular schools in our public system which present teachers with especially demanding requirements. I refer to problems in the encouragement of learning and in the discipline area. In order to assure the students in these schools equal educational opportunities, a real effort to provide teachers of perhaps above average competence is indicated.

There is a substantial body of opinion in informed quarters contending that while many highly effective and dedicated teachers are to be found in such settings, there may be a disproportionate number of teachers who, for one or another reason, simply are not equal to the special demands of the situation. Dr. Jansen has informed me that a systematic review of one aspect of this problem is underway, with an eye to assuring the students in "difficult" schools a group of teachers not including an inordinate proportion of substitutes or newcomers to the system.

Delinquency rates vary markedly from school to school. Every effort should be made to assure assignment of our most capable teaching personnel to children growing up in high hazard environments. This is a top priority question. There is a real need for reevaluation of our teacher rotation policies.

Steps have already been taken to offer special incentives to experienced teachers contemplating transfer. Class size in these schools has been cut down and extra teachers and other teaching personnel have been added. The question of incentives merits further consideration. Professional people, who do not labor for bread alone, may appreciate some recognition of unusual service.

Parent education

There is no denying the fact that the one most important influence upon the growing child is that of his parents. It seems to me, however, that much of the criticism attributing to parents responsibility for juvenile delinquency is essentially uncharitable. Now we have on the statute books laws making adults, and parents in particular, answerable for offenses of minors in cases where the part played by the adult is clearly demonstrable. What is to be said, however, of the extent of general responsibility on the part of people who were themselves reared under the most bitter conditions: who as children, and subsequently as adults, have found themselves alone in what has seemed an essentially indifferent, even hostile and exploitative world. How sharply and righteously have we a right to criticize parents who were themselves beaten unjustly, parents who have known at first hand what it means to feel shut out and alone. Some will respond to such deprivations with special efforts to assure a richer life, a warmer world for their children; some will take it out on a child if he's the only helpless person at hand; and some will feel that their children by hook or crook will achieve adulthood after all, as they themselves have done.

Perhaps these observations seem far afield from the traditional parent education references to toilet training and the size of a child's allowance, and the age at which a girl should be given the money for her first "formal." But perhaps, instead, they point to some new directions in parent education—to parents who are still "learning the ropes" of metropolitan living, parents whose aspirations for their children may be no less poignant for all their inarticulateness.

Perhaps, there has been much talk of parental incompetence and neglect. Our city over the decades has known many who have failed their children not out of malice or indifference but because they did not know the new ways—or were too troubled getting acquainted with a new land and a new way of life. Today, we can make the getting acquainted easier, and today, for the old-timers, too, we can open the door to help. To seek counsel, especially the counsel of one's own neighbors, need imply no confession of failure.

Sometimes I think public attitudes toward juvenile delinquency today have that embarrassed quality that characterized the approach to tuberculosis at the turn of the century. Juvenile delinquency, like scarlet fever, is a disorder of children—whether there will be complications depends to a fair extent on how the case is treated. And attitudes in the homes are decisive in making the vital decisions as to handling.²³

Our board of education has projected a little demonstration through the evening centers operating in more and more of our schools. Their plan is not for formal lectures, but rather along lines of the friendly discussion group. I

²³ The foregoing by no means is intended to neglect the problems raised by a certain number of truly irresponsible individuals who have simply ignored their children.

haven't asked, but perhaps members will chip in so there'll be coffee, too. I suggest also, that experience has demonstrated that some parents who shy away from "a discussion group" will feel more free to chat in a sewing class or furniture repair project. As these are oftentimes precisely those we are most anxious to reach, I trust that those responsible for the program will plan imaginatively with this in mind.

This type of enterprise is deserving of the most highly qualified leadership. Dr. Jansen assures me that while funds will not permit overly attractive payment for such service, the schools will welcome capable and experienced people in our city, not presently on the teaching staff, who would be qualified for part-time employment on this project.

The board of education's budget request for parent education was \$19,000. This sum was a mere $1\frac{1}{2}$ percent of the total community and recreation centers budget request. Salaries to leaders in the sports program were budgeted at a sum 27 times as large.

The fact that this type of parent education is a new program in the schools need not, I believe, necessitate such a creakingly slow start. Parent discussion groups may be an experiment for the bureau of community education, but work along these lines has been carried on successfully elsewhere for many years. There is a real reservoir of experience to draw upon.²⁴

I therefore recommend as a minimum that a worker with parents be added to the staff of every single one of the 87 evening community and recreation centers in areas designated by the youth board as high delinquency neighborhoods. These people should be retained for a sufficient number of sessions per week to allow them adequate time to plan their material and to make occasional necessary visits to homes and community agencies. And the emphasis should be on continuity of service and specialist personnel; this will probably necessitate recruitment of the larger proportion of these discussion leaders from outside the schools, according to procedures already in effect.

If such personnel were added to the program of the centers in the 14 youth board special service neighborhoods only, no more than 87 people would be needed. To employ 268 parent education teachers on the same basis in every such center in the city, would cost approximately \$195,000.

I recommend that this program be financed by a special appropriation to the youth board, but be operated by the bureau of community education. Following already tested operating practices, the youth board would develop personnel specifications as a guide to the bureau of community education in the recruitment of personnel.

I further recommend providing adequate consultant-supervisor-trainer personnel for the professional leaders of the parent groups. Even skilled people are going to need counsel themselves in carrying out any program that really gets into basic problems of parents. I believe that we should make it possible for such a coordinator to have a conference once a month with each one of the parent group workers. Two full-time coordinators (\$13,900 per annum total) might provide sufficient consultation service for 87 group workers if only the schools in youth board service areas were served; to provide adequate consultation services for leaders of groups in all the schools involved would require about six more full-time coordinators. It is absolutely essential that we provide for supervisors specifically detailed to this project.

The expanded operation projected here would in no wise affect the parent education experiment in the amount of \$19,000 per annum proposed by the board of education as part of the regular program of the Bureau of Community Education.

In connection with the well-baby clinic program of the health department, our city has obtained the services of an internationally recognized authority on children's behavior.²⁵ This gifted physician, sitting in with regular clinic staff, talks over everyday problems with mothers and children, making a real contribution in forestalling habit problems, tension, and anxiety at an early age.

In training pediatricians to serve along these lines, we are erecting a first line of defense against delinquency, as well as against personal maladjustment and unhappiness. Services to a cross-section population of normal babies and their mothers now, may save untold thousands in services to the abnormal a few years hence.

I am therefore recommending that \$17,000 be allotted the health department to institute service along these lines as part of its program in two additional

²⁴ This would include, of course, the rich experience of our parent-teacher associations.

²⁵ Dr. David Levy.

neighborhoods. The districts served will both lie within youth board service areas and the population served will be a real cross section of our youngest children's parents, getting advice when it can do the most good—before delinquency becomes a problem. I hope that our mental health board will give further expansion of this project top priority among those to be considered in its plans later this year.

Already underway, also in our health department, is a parent education program, employing informal discussion groups. Especially trained personnel lead the sessions, and parents have an opportunity to reconsider their own problems in the friendly light of neighbors' shared experience.

I believe that this work should be expanded, with the understanding that the discussion group leaders be qualified to plan programs covering all aspects of the child-rearing process. All parents can profit by this counsel; all children are entitled to the benefits of this service. Through the health department, we are in a position to extend this help to parents who are already coming periodically for other services. I therefore recommend that the youth board be granted \$20,000 enabling the health department to extend this service in those youth board service areas where it is not presently operating. (I might add that a number of the community's social work agencies have projects along similar lines, which they will wish to expand as private benefactors make funds available.)

The co-op program and guidance in the schools

A major problem related to juvenile delinquency centers about the compulsory education law, and the school-leaving age. Some have suggested that boys who seem uninterested in school and are always getting into trouble there "get out and get a job."²⁶

It seems to me that we have a long way to go in making adequate provision for such difficult students within the school before we write them off as a bad lot. The school authorities have a real problem in maintaining discipline so that teaching can go on. The number of troublemakers is not large and our teachers have every right to expect community support in dealing with them. About this, let there be no mistake. We must recognize that not only law and order, but the rights of the great majority of students—those who can get along—are at stake here.

Those who feel that delinquents and potential delinquents in our schools should be turned out on the street "to find a job" may be interested in the facts to date. A large statewide study in California disclosed that four times as many dropouts as graduates were still looking for work. The same study showed 6 out of 10 of school dropouts were children of unskilled or semiskilled laborers; yet workers in these categories make up nowhere near that large a proportion of the population. The problem is clear: it is a basic American principle that children have an equal chance at education, regardless of their parents' circumstances. Yet it seems that there is a differential when we look to see for whom the schools have made themselves attractive. (It should be noted here that there is real question as to ineducability being a substantial consideration for any large proportion of these dropouts).

It should be noted also that children leave school because they're "fed up" or feel they'd enjoy working more. In the majority of cases, the reasons for leaving school are not financial. Follow up studies show that dropouts very rarely get any schooling subsequently, and that more find themselves in "deadend" jobs. In the Glueck's recent delinquency study, it was found that while a good majority of both the delinquents and nondelinquents worked, three times as many nondelinquents were employed on supervised jobs or in factories. And more of the delinquents were working (unsupervised, of course) in street trades.

I wonder how many who advocate getting the older, slower student out of school have thought about where he would land afterward, about placement on the right kind of job, or the contrast between supervision (of sorts at least) in school and the possibility of no supervision at all on the outside.

Are we to retreat from the ground the British can only now contemplate achieving? D. Archibald, writing from London declares "one of the best methods of preventing delinquency is to keep children within the framework of a good educational system during the most restless adolescent years"—to 16.

We have a responsibility to try to help the youngster who seems bent on throwing away his right to an education. He is still a juvenile; we cannot say

²⁶ There may be some point to amending the provisions of the statute setting up continuation schools, to allow greater flexibility in the planning of extended school services for young workers. But the schools must continue their guidance role.

to him, "If you choose to neglect your education, it is no one's concern but your own." Consideration must be given to the vitality of the curriculum offered, and to teacher attitudes toward the slow learner. I know these are areas where my concern is shared by the administrators of our school system, and many who are classroom teachers. Until we have made the broadest guidance programs and real flexibility of curriculum available to "misfits" there would seem to be no call for basically revising our compulsory attendance law. I have yet to be persuaded that the children who would in consequence be beyond the reach of school services would find themselves on the road to better citizenship.

Over a period of years, a program has been developed within our high schools to provide an opportunity for selected students to complete their studies²⁷ while employed in private industry halftime, at prevailing wages. Last year 4,000 students were enrolled in this co-op program in 33 high schools; they worked at beauty culture, as salesmen, as typists, in machine shops, in offices, and in stores. It is time to move this experiment out of the experimental class; 40 years have demonstrated its worth.²⁸ The time has come to extend this curriculum to more students; perhaps the selection process has been just a little too fine.

Counseling in the schools.—A common observation by delinquency researchers is the need for more effective counseling, especially vocational counseling, for young people. Youths graduating or dropping out of high school are too often vague as to their employment plans and frequently seem to bring little to a prospective employer. If the co-op program is to be expanded, there must be a more thorough going guidance operation, as well.

There are today 1,765 teachers doing guidance work in the schools; of these, only 82 are licensed counselors. The 82 put in full time on the guidance job; 63 other teachers with a varied background of experience are also detailed to guidance full time. Thus, over 90 percent of the personnel engaged in guidance have to fit it into a program which makes other demands on their time—most of them put in the equivalent of 1 day a week in this work. It has been estimated that the amount of time available for counseling averages out to less than 5 minutes per student per school year in the high schools.

It is to be hoped that ways will be found to add a larger number of specially qualified full-time people to help with this vital responsibility.

Youth board in-service training

The youth board is again appealing for a pitifully small grant so that it can set up a thoroughgoing training program, not only for its own staff but also for other city departments which have requested help for their workers in the areas where youth board is expert. Every dollar spent for training, it is clear, multiplies itself by making it possible to do more of a job with the same number of people.

The kind of work the youth board is carrying on requires the best. To assign it a task and then hold back on the wherewithal for performing the task effectively is false economy.

The in-service training-program request is for \$38,000. That hardly seems like much of a training program for so large a staff, but that is the youth board's best judgment. Whatever objections there may have been to this enterprise in the past, I can see no point in niggardliness today. I heartily endorse this request as a top-priority program.

Fellowship study program: Some provision must be made to support the efforts of workers in certain strategic programs to obtain the special professional training needed for most effective performance on their jobs.²⁹

This problem is especially acute in the case of positions where social work skills are involved, as the training program in that field, as in medicine, makes a period of full-time field experience mandatory. The schools of social work have shown some willingness to credit adequately supervised paid experience with the city in lieu of the customary field work, but these plans need further development.

In any event, it must be recognized that there are city workers who need special training involving something more than an evening or two a week of their own time. They are deserving of public support. Our educational leave policy is in

²⁷ Only 1 percent of co-op students drop out.

²⁸ Some additions to central office staff, and sufficient funds to permit co-op supervisors in the various high schools to devote full time to this work would add some \$90,000 to the cost of the program.

²⁹ We now allow welfare about one-sixth the training period budgeted for police.

crying need of review; every possible help must be provided career people seeking special training in order to do a better job. The obstacles in the way of a liberalized educational leave program must be swept aside, in the interest of better services to children in trouble.³⁰

Planning and coordination

Planning and coordination of programs in the juvenile delinquency field involves close operating relationships with many city departments and a multitude of private agencies. The New York City Youth Board has for some years now been charged with this responsibility. There is every reason for continuing to lodge the function with that body.

However, I believe the youth board might well give consideration to placing greater emphasis upon its role in planning. To date a very large proportion of its energies has gone into program development and liaison with contract agencies.

Someone has got to be given the time to step back and take the long view. Progress in this direction has been pretty well limited to some examination of the youth board's own programs. Much more of a commitment to this work area is urgently needed. Head counting is important, but more is needed for planning than merely data on fluctuations in the volume of delinquency.

The makeup of the youth board itself should exemplify the breadth to be encompassed in the coordination of operations. Workers in the field can become better acquainted, and leadership in all departments can reach beyond particularized interests to a common understanding of the integration of services we need. Despite some years' endeavor, there are problems still to be grappled with. Given good will, cool heads, and deployment of enough critical brainpower at the center, there is a good chance of a well-rounded, effective battery of programs.

In addition to a broadened research perspective, I therefore believe the youth board needs a small unit of full-time experts who can bring various special skills to the problems of coordination and long-range planning. This team would be responsible for smoothing working relationships with other agencies and for the development of overall operations plans with the youth board members and executive director. It would be well to involve in planning the chiefs of the board's operating divisions, and perhaps private agency representatives as well. But the pressing need is for additional personnel who can look beyond day-to-day problems and have no direct responsibility for operations, no commitment to a particular aspect of today's problem.

The planning unit, including a director, and senior analysts who would rank with the present casework, recreation and group work, and research chiefs, should report quarterly directly to the board. Its responsibilities should center about the need for communitywide coordination of service programs; operations being carried on by the youth board directly should not be its primary concern.³¹

Evaluation.—Reasonable assumptions rather than established facts must provide the justification for most of our programs in this field today. But for long-range planning, reasonable assumptions simply will not suffice. A scientific fact-finding and assessment program is called for.

Operations costing in the neighborhood of \$25 million are in a pretty expensive neighborhood. We want to know, as we move ahead, which ones work and which do not. And we want to know which programs are the more effective among those which really do work.

For all this, we need a factfinding group not attached to any particular program but in a position to work freely with all.

I believe the most suitable location for this assessment operation is not only outside the field agencies but outside the city government itself. The research people should be free to carry through scientific studies of our best efforts, without any possibility of political interference. The place for such a project is in an institution of learning and President Gallagher, of the City College, has indi-

³⁰ The cost of this program will depend upon whether salary is granted workers away on educational leave. Perhaps \$30,000 would suffice for a year's demonstration. Note that new State legislation will provide help to probation officers. Money is still needed, however, in other fields.

³¹ The cost of a unit comprised of 7 professionals and 3 secretaries would be about \$82,000 per annum. With youth board budget projections at levels of \$4 to \$5 million, this hardly seems a great sum to put into planning. It must also be remembered that the planning will be with reference to programs in the entire community, not merely in the youth board.

cated a willingness to provide a home for the evaluation team; this is in line with the interest this college has already demonstrated through action projects in our field. Among these, I might mention the college's community service division.

To carry through the task effectively will require the services of a person with rank equivalent to a full professor as director; proper staffing would probably call for an associate professor, 2 assistant professors, and 10 research associates—plus clerical personnel. The assessment unit would not need to be fully staffed until perhaps a year after it got underway, but the key people in particular should be recruited at the outset, and for a period of time long enough to assure a coherent operation. The project should be clearly understood as of a temporary character. It seems to me we should plan on a 5-year basis, and should allow flexibility so that certain personnel could be retained for special studies, even of a relatively brief sort.

The entire factfinding operation will be carried out by specially trained and experienced people who have no special axe to grind and are beholden to no particular agency. They should have the freest access to any city project which affects juvenile delinquency.³² I believe that private agencies, too, will respond positively to an invitation to cooperate.

Welfare and civic leaders, as well as certain strategically situated civil servants can play an important role in helping orient this work. A group of such people is well-nigh indispensable in helping prepare the ground for the action-research team. But we would want to have a clear understanding from the outset, that the researchers would be free from any outside control.

The senior personnel for this work will be sought in a nationwide canvass of the most promising prospects. Dr. Gallagher believes he could be in a position at an early date to submit names to the mayor for endorsement. This would enable us to get underway without losing a whole academic year because of key personnel having made other commitments.

It should be emphasized that what will be sought is topnotch scholars who have already demonstrated a capacity to carry out action research. This cannot be a center for theoretical or basic studies.

Without committing the college in advance to any particular design in balancing the research team, I believe we would do well to bear in mind that the problem we are attempting to solve is in its largest aspects a social, not a purely clinical problem. The techniques we employ in the prevention and treatment of juvenile delinquency certainly include clinical techniques. But the problem in evaluating a proper balance among programs is a problem calling primarily for a social scientist with a strong research background. In addition to personnel with sociological skills, experts with capacities along psychiatric, psychological, social work, and statistical lines (for example) are all indispensable. I believe it should be possible, in every instance, to find for this work people who have skills and a deep appreciation of more than a single one of these fields. This job is a tough one, and not for the narrow specialist; the team approach has got to be an agreed-upon foundation before we can even think of getting started.

I believe that an effective factfinding program will save us hundreds of thousands of dollars yearly, by making clear just which programs in the delinquency field are actually carrying out fruitful operations. A centralized assessment project will make valid comparisons possible and enable us to plan tying together the impact of programs under diversified auspices. A centralized research operation should also prove more economical in meeting the need for new information as indicated above.³³

The \$95,000 per annum this research program would cost when it got fully underway is a small amount indeed, if we bear in mind the magnitude of the sums (perhaps \$25 million) expended upon all our operational programs. Any well-run enterprise in the business field would consider this small allocation for factfinding and quality control, a very minimum level, indeed.

In addition to the 10 priority programs which I have recommended for immediate attention, there are a number of others meriting the most serious consideration. Some touch upon operations on which I wish to inform myself more fully; I, therefore, merely make mention of them at this time, by way of preface to future reports.

³² This might be promoted by providing for some continuity in the research personnel assigned to this or that operating program.

³³ There will still be a need for the research work presently going on in the New York City Youth Board, for example.

In this section, also, I am touching briefly upon a few projects to which I wish to lend a hearty endorsement as proper areas for the initiative of private individuals and agencies. The city, in the last analysis, can carry only so much of the load. Private social agencies, service clubs, philanthropists, foundations, individual citizens have all played an historic role in coping with the community's welfare problems. To meet the challenge of juvenile delinquency will require the mobilization of all of our resources. The good work already being carried on must be extended even further. This is a challenge to every New Yorker, according to his personal resources of skill and of money. In addition to the small number of areas I enlarge upon briefly here, appendix III lists some two dozen projects, large and small, which should prove of interest.

To these I wish to add the great contribution employers can make in planning for part-time employment by youth in commerce and industry. Many of the largest department stores, offices, and factories in our city are partners in the board of education's co-op program, but more job opportunities are needed. In addition, the law permits work on the widest variety of jobs on a part-time basis even by students not reached by the co-op program. I cannot place too great an emphasis upon the value of socially useful, properly paid work under conditions not detrimental to juvenile health and morals. This is an area where concern about delinquency can be translated into action—the mutual advantage of the youth, the employer, the school, and the community at large.

RECOMMENDED PROGRAMS AND PROJECTS FOR FUTURE STUDY

Neighborhood civic organization

In a number of cities experiments in the development of grassroots civic development associations are pointing a way to real progress toward meeting the challenge of juvenile delinquency, along with a number of other long-standing social problems. This is a job to be carried on, in the last analysis, by the neighbors themselves, although outside help can play a constructive role.

In his first annual report, our mayor pointed out that in "any given area of the city the number of oldtime families who have struck deep roots in the neighborhood is relatively small. It is for that reason that special efforts must be exerted to develop citizen participation in the various neighborhoods throughout the city."

It is simply not possible to put too much emphasis upon the potentials of activity along these lines. In high-delinquency areas in particular such civic groups have an invaluable part to play in overall welfare planning and in encouraging constructive social action on the part of youth. A constructive social action on the part of adults, by the way, would be seeking employment in the police department's expanded street-crossing guard program. This work is something that any reasonably intelligent and responsible person might undertake, and I know Mr. Adams would welcome inquiries from neighborhood people desiring to qualify for this part-time employment.

It is my opinion that community organization projects are most appropriately developed under independent auspices; city officials and workers in a number of departments may quite appropriately be involved in auxiliary capacities, or in their own right, personally, as citizens. But the type of citizen effort the mayor and other forward-looking community leaders envision should be completely free of any hazard of official domination.

Neighborhood civic associations planned as membership organizations would play a role essentially different from that undertaken by the mayor's community advisory boards, whose members serve by appointment. Civic associations serve a complementary purpose.

As people in our several neighborhoods evolve organizational forms appropriate to their own needs, and bring forward articulate, dedicated, responsible leadership, the whole city will be the gainer. And our own job in planning common services will be facilitated immeasurably.

I am sure that as this initiative develops, a multitude of opportunities will be presented for city agencies to prove helpful. This is a fine prospect to look ahead to. And for the time being, a great challenge to New Yorkers to work with New Yorkers—and, perhaps, for those who have funds or know-how to lend a hand to those who may just now be making a beginning.

Time-honored procedures and regulations are reexamined in times of crises. Enlightened self-interest can be nicely blended with a sense of responsibility to the larger community. It is to be hoped that New Yorkers are moving toward the sharing of facilities jealously guarded for good reason over the years.

Columbia University, for example, last year for the first time opened Baker Field to an outside group. Their generosity made possible the development of a teen-age baseball league in this neighborhood, where there is a high hazard of youngsters becoming delinquent.

Our public schools are doing a fine job in opening their doors for a wide variety of projects. In the coming year, this will be the case more than ever before. Doubtless there are other buildings in our neighborhoods which may be put at the disposal of the community at large during idle hours. Perhaps there will be those among our church and synagogue leaders who will come forward at this time to offer facilities on a nondenominational basis for communal enterprises. A number of fine examples have been set already.

Those charged with pastoral responsibilities can render a real service to the entire community by making space for wholesome, nonsectarian recreation programs available to all youth, as well as those they number in their own flock. Surely there is no nobler proof of a belief that all men are brothers, than this practical sort of fellowship. There are many who fee forsaken, many lolling on stoops or crowded on a bleak corner under the lamppost who would respond to an opportunity to participate in a vital leisure-time program under imaginative leadership.

Role of the school

The schools can make significant contributions to the solution of the delinquency problem in a variety of ways. I have discussed a number of special programs at various points in this report. But most important is the opportunity afforded the day-to-day classroom teacher.

The challenge is not to be a substitute parent, a substitute psychiatrist or a substitute policeman. The challenge is to motivate learning, never to cease trying to capture the elusive imagination of the growing child. This is what we mean by "helping open the doors of the world." The challenge to the teacher is to teach—hopefully, to teach from a loving heart; but, in any event, really to teach.

"Many learnings occur simultaneously * * * The teacher who knows the children under his care can do much by using the total learning situation to help the child with disturbed conditions of life. The attainment of this end requires no abstruse knowledge or newly discovered techniques; the teacher who is fair-minded, sympathetic, emotionally reliable, who has concern for the development of healthy personality in his pupils, and who is skilled in teaching, helps to diminish the dissatisfactions that lead to maladjustment. Nothing is gained by describing his work as group therapy."

Of recent years, there have been a growing number of indications of lowered morale among teachers in our public schools. The reasons for discontent are varied, and it may be that some of the teachers' wishes cannot be met.

A crucial problem was raised by Superintendent Jansen at the time of the school budget hearings. "The teenager in our present high-tension world is in great need for closer contact with his teachers that can only come when the class size is considerably reduced." This, of course, is equally true of the needs of preteens. I shall have to refrain from making any specific recommendations here, because the magnitude of the sums involved puts this program outside the budgetary limitations of the present enterprise.

After the parent, no one, probably, has a greater influence upon the growing child than his teachers. To the child maturing in a setting replete with delinquency hazard, the teacher is in an especially strategic position to be of help.

The board of education has provided real leadership through such special programs as those in the all day neighborhood schools, the play schools, and the bureau of community education. Much that is helpful proceeds from 110 Livingston Street, by way of curriculum materials and other publications.

But to some, the very size of the public school system seems to militate against the free flow of ideas from the classroom teacher back to the administration. There is real need for experimentation with devices to bring classroom opinion more directly to bear upon central planning. Just what methods will prove most effective in attaining that end, I leave, at this time, to the schoolmen.³⁴

³⁴ The informal weekly conferences board of education President Charles H. Silver has been holding with groups of principals, certainly seem a positive contribution. An extension of this program to include groups composed exclusively of classroom teachers has been reported under consideration. I am sure such discussions would prove worthwhile for all concerned.

The spark of interest, the warm flame of dedication, are an indispensable part of teaching. Children who spend their days with teachers who are serving time, are quick to sense that fact. Disillusionment with school is generally recognized as playing an important part in the development of delinquent patterns. Any contribution the administration can make to reviving a flagging teacher morale, will prove a real blow against juvenile delinquency. And the community at large can do more to demonstrate the high regard in which it holds those who have dedicated a lifetime of service to this honored calling.

Truancy

Unexcused absence from school is far and away the most frequent of all delinquencies. And truancy not uncommonly proves to have been the first important misstep if we examine the personal history of a hardened criminal.

If it were possible to do something for children who have not yet come in major conflict with the law at the time they first start to truant, many delinquent careers might be nipped in the bud. The bureau of attendance of our school system has a large staff engaged, among other things, in investigating all unexplained absences of more than a few days. As it happens, in 7 investigations out of 10, the absence proves to have been "lawful;" only 21 percent of the investigated absences turn out to be "trunacies."³⁵ Focussing upon making a very large number of investigations means that it is only possible to spend a limited amount of time looking into any particular case; I believe there is a real need for deployment of personnel under revised procedures more likely to result in intensive work-up of the small proportion of cases needing long-term service.³⁶

Our attendance officers should have a real opportunity to help children who are drifting—before they drift too far and in the wrong direction. "By definition, truancy implies that school is an unsatisfactory experience." To what extent are our attendance officers in a position to help children achieve a more satisfactory experience in the schools? Is there opportunity for intensive followup with the child, his parents, his classroom teacher—in that crucial fraction of cases where the pattern is not yet set? Is it possible, for example, to give special attention to the relatively small proportion of truants in the second and third grades, say, who may be just commencing to experiment in delinquency? Or is the emphasis upon maintaining a certain volume of completed investigations for accounting purposes in connection with State aid?³⁷

"The normal truant belongs in the group of those who resist school because of boredom. Perhaps at one time or another it has included all of us, for it is in the nature of living to resist conformity, routine, rigid rules, and to seek variety and creativity, using freedom to explore at the unfettered dictates of the will.

"When rules are avoided by a few, control over the group is threatened. These children challenge the imagination of teachers and school administrators. Giving them enriched programs and understanding and wise counsel is usually the best answer. Labeling them "truants" or "delinquents" is as fruitless as it is dangerous. Individual treatment is best for them as well as for the morale of the school."

The attendance officer can be a key man in the team approach to delinquency.

The "600" schools

A few years ago an experiment was undertaken by the board of education to provide special opportunities for grade-school students presenting disciplinary problems in the regular school. Teachers in the special schools are paid additional salary, but on the whole cannot be regarded as specialist personnel. The selection process is designed to secure experienced teachers who have demonstrated a capacity to work with problem youngsters. But the additional training demanded is essentially minimal, and questions have been raised as to the real value of this isolation program, which now costs more than \$1 million per annum for salaries alone.

A thoroughgoing assessment of the operation has yet to be undertaken, and while there are unquestionably positive aspects, the public is entitled to some real facts as to the value of the program as reflected in the subsequent careers of graduates. I feel that plans for high schools of the same sort, as well as similar schools for girls, should be held in abeyance. Some concerted fact-

³⁵ Most of the remainder are children unlawfully detained by parents or guardians together with a scattering of children unlawfully employed.

³⁶ Last year there were no less than 376,000 separate investigations.

³⁷ My concern is that a maximum of attention be turned to counselling. I am not suggesting that investigation of absences, as required by law, be abandoned.

finding is in order, and it is my hope that a study committee Superintendent Jansen will soon appoint will include not only board of education personnel but experts from outside the school system and consultants suggested by interested civic groups, as well.

The Bureau of Child Guidance

This essential service in our schools is being enlarged during the coming year, as additional psychiatrist-psychologist-socialworker teams are activated. Dr. Jansen is presently working on plans for certain improvements in the operation, in the light of an extensive study only recently completed. This ambitious survey (made possible by the joint effort of our board of education, the Field Foundation, the New York Fund for Children, and the New York Foundation) offers a real point of departure for enlightened planning. I shall put off making any recommendations about this bureau while the survey report is still being studied.

Recreation programs

The bureau of community education in our public schools, under the able leadership of Mark McCloskey (who now heads the New York State Youth Commission) has done a notable job in providing extended recreation services in some 288 schools. The bureau in recent years has been able to employ full-time center directors, thanks to grants from the New York City Youth Board, and, for the first time, professionally trained group workers as well.

The increase in budget recommended for this operation in the new year should make possible a major extension of operations. I trust that these funds will include provisions for a larger staff at the citywide level. There also is need for a pool of supervisory personnel who will be at the disposition of the acting head of the bureau, so that manpower can be deployed from one school district to another with a minimum of redtape. I believe, too, that consideration ought to be given the possibility of putting two-man teams into schools which have on their own initiative already developed community programs. These activities should not be confined to plants which have full-scale comprehensive programs only.

Our school buildings, meeting rooms, swimming pools, auditoriums, gyms, and playgrounds should increasingly be made available on a 7-day-per-week basis, with a larger volume of evening operations, as well. This is a tried-and-tested program meriting all possible expansion, substantially along present lines.

The special contribution of group work.—In all our recreation programs, including those in the schools, I should like to call attention to the importance of including group work as well as the customary crafts, dramatics, and sports. There are real benefits by way of personal growth and guidance which are likely to be achieved only in the club setting, among groups of perhaps only 12 to 20 people. Group workers who have special skills in the field of interpersonal relations are as indispensable to a balanced leisure-time program as athletic coaches or activity instructors. In recruitment of personnel, an effort, I believe, should be made to reach leaders who have demonstrated interest, understanding, and ability in the family and the neighborhood approaches to this work.³⁸

School-building design.—In planning school buildings for the future, we should continue to incorporate in the design opportunities for extended community service programs. Plants should provide facilities suitable for crafts shops and club meeting rooms. Auditorium, etc., are already being designed so that access is possible without an entire school building's being thrown open. These details are simple, but crucial. There is not reason why the city should invest millions in special plant for recreation while facilities are at hand or could be at hand in the schools.

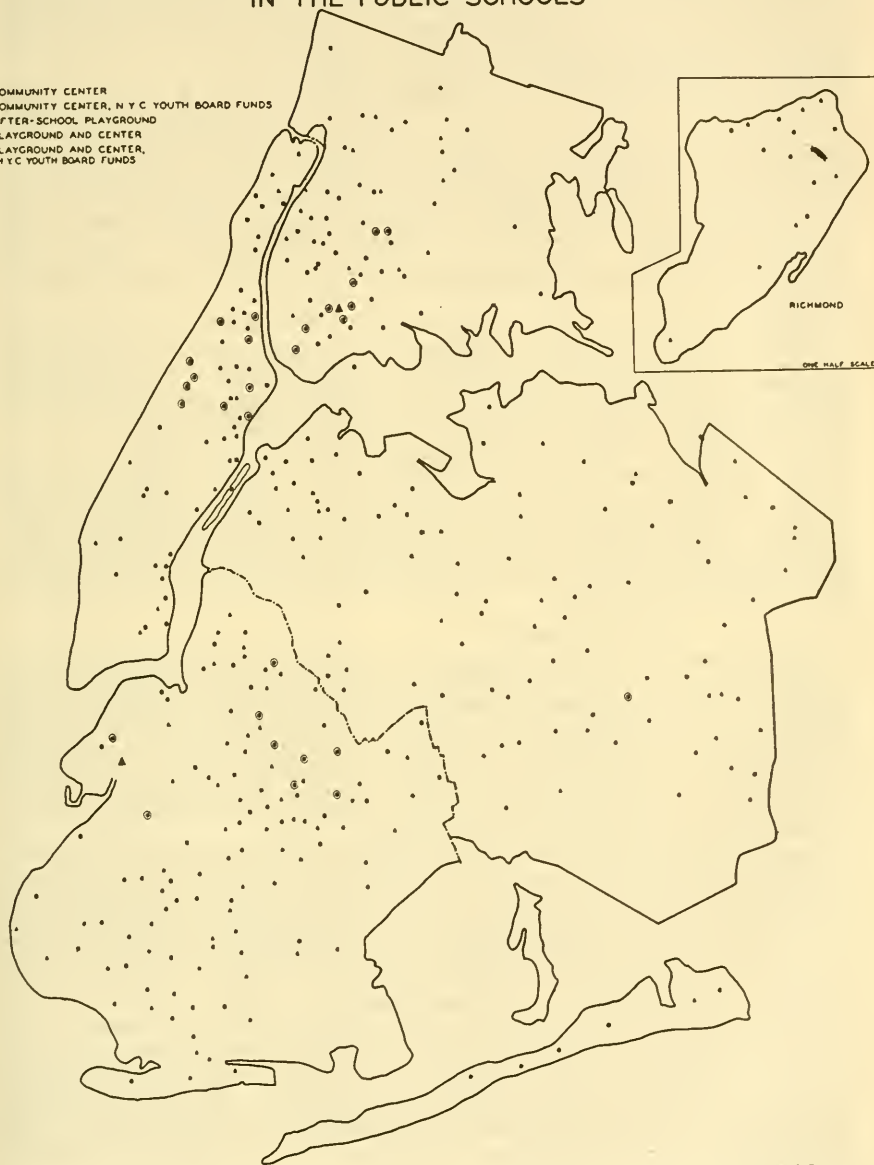
Weekend, holiday programing.—The city is taking positive measures to insure its various youth programs remaining in operation 7 days a week to an increasing degree. Where overtime costs have to be met, they are being budgeted. Private agencies naturally determine their own operating policies, but in view of an impressive weight of expert opinion, I would hope they would consider seriously the provision of more weekend and holiday programs.³⁹

³⁸ Those activities staffed with 1 leader for every 12 to 20 people are obviously more expensive (on a per capita basis) than those in which a single leader works with 100 people. A well-balanced program will include both clubs and square dancing, say. There is an important place for both kinds of leaders.

³⁹ Agencies in the case work and guidance fields might also give the most serious consideration to the need for scheduling standby staff and instituting a greater volume of service during hours when prospective clients are likeliest to be away from their jobs or household duties.

AFTERNOON PLAYGROUNDS, EVENING COMMUNITY CENTERS IN THE PUBLIC SCHOOLS

- COMMUNITY CENTER
- ▲ COMMUNITY CENTER, N.Y.C. YOUTH BOARD FUNDS
- AFTER-SCHOOL PLAYGROUND
- PLAYGROUND AND CENTER
- PLAYGROUND AND CENTER, N.Y.C. YOUTH BOARD FUNDS



Adventure playgrounds

In recent years, there has been a growing body of opinion in the recreation field calling for a new approach to playgrounds and playground programs. In virtually empty lots, practically devoid of apparatus, highly successful programs have been developed in Copenhagen, Denmark, in London, in Kensington, in Crawley, England, and in Minneapolis, for example, in our own country. It appears that children welcome the opportunity to use tools to construct their own playhouses—that attendance at such playgrounds is continuous and high. And it is reported the police find a marked decline in so-called delinquency; playground personnel report fewer accidents (115).

I believe that serious consideration should be given both to the "junk playground" and to playgrounds employing apparatus of a new type. These latter are designed to provide more opportunities for free and dramatic play, new opportunities for group play of a highly informal character. This is not to say that the free-for-all is an ideal recreation program, but experience has shown that, given the chance, children can work out games of their own which may prove even more enjoyable than the traditional swings or ball diamonds. And in Philadelphia, for example, children who otherwise stay away, seem drawn to projects of this type. While the new kinds of apparatus have, in some cases, proved more expensive, increased attendance has more than justified the expenditure.

New Yorkers will soon have an opportunity to get an idea of the sort of advantages enjoyed by children in Oakland, Calif., Boiceville N. Y., and in Fort Wayne, Ind. When it opens, public school 130 in the Bronx will have as part of its playground plant the first and third prize items from last year's national competition for new designs in play sculpture; officials of the National Recreation Association and the Museum of Modern Art were among the judges.

Certain illegal activities, like hitching a ride on the back of a bus, seem to provide an excitement with which playgrounds and recreation programs of a cut and dried character don't seem to be able to compete. There is a kind of thrill, I suppose, in breaking the law; that is a thrill we cannot permit. But surely we have an obligation seriously to consider every sort of project and program that bears promise of meeting that very human desire for a safe scare, a limited habard. After all, not every child who may want to gets the chance to spend a day at Coney Island.

Problems of preschool-age children

At a later date I wish to report on the importance of some recent researches dealing with healthy infants confined in institutions or hospitals away from their parents for long periods while still of very tender age. It seems that a child who misses out on some really close and personalized affection in his first year or two is pretty likely to turn out to be an emotional cripple. This extremely small segment of our population has produced a disproportionately large number of criminals and maladjusted individuals. Certainly, we already know enough to endorse most vigorously the endeavors of welfare workers seeking foster care in private homes for all homeless well infants.

Both the health department and the hospitals department have called my attention to the fact that considerable sums are being expended to maintain completely healthy but homeless babies in our hospitals because of lack of facilities for foster home care.⁴⁰ It is nothing short of fantastic to contemplate the prospect of helpless infants being institutionalized for lengthy periods simply because we have been lax in making adequate appropriations for personnel who could arrange for care in homes. Yet the latter course would not only be the more humane, but would cost the city far less money.

An important welfare department program which will be discussed in the above mentioned report provides for 1,000 dependent children who cannot be cared for in their own homes. The problem is especially pressing in the case of children from certain minority groups—doubly so for older children, whom prospective foster parents often feel are "less attractive." The Children's Shelter is dangerously overcrowded, yet the bottleneck in the foster home field has still to be broken; capable professionals are needed for a home-finding program. Of all this, more at another time.

⁴⁰ In addition there are children who could be returned to their own homes if certain special services (more part-time "homemakers" for example) were available.

Welfare Department

The staff of our welfare department come in contact with numbers of families whose children are in high hazard of becoming delinquents. While such families represent only a small fraction of the total number of children who receive service from the department, it is important that every effort be made to use the regular contacts to advantage. The city funds expended for DW staff who work with families must be sufficient to employ workers with skill to recognize the danger signals of strain and maladjustment in children and in families which require treatment and to take the necessary steps to help these families. These workers must also have the ability to recognize which problems can be treated by the department and those which require the help of other public and private social agencies within the community.

The special program this department has been operating jointly with the youth board has provided a real idea of what can be done by competent social workers, assigned caseloads of reasonable size. Inasmuch as the services for families and children is in the process of reorganization, I am at this time deferring specific recommendations with reference to the welfare department's role.

The pilot study recently initiated by this department which provides preventive service on an intensive basis to certain children in public-assistance families has also demonstrated what can be accomplished by competent child-welfare workers.

In concluding this section, mention should be made of an important welfare demonstration just a few years ago. An attempt was made to bring together, under one roof, a staff that included health, counseling, employment, housing, relief, legal, and recreation specialists. A neighbor in need could come to this center and employ the skills of a whole battery of experts working together in rooms just across the hall from one another. The person in trouble didn't find himself shuttling all over town and spending a couple of weeks getting help from half a dozen different organizations.

The experiment to which I have referred was not a project of the welfare department; the department merely was one of the participating agencies. But I know how enthusiastically Welfare Commissioner McCarthy responded to this opportunity. I believe that a program along the indicated lines can be a sound one; we should muster the necessary forces once again.

Service opportunities for youth

There is good reason to believe that contributory to juvenile delinquency in many cases are feelings of fear and hatred toward adults, a sense of being divorced from society (or at least from the adult community), and a pervasive personal insecurity in many vital aspects of the life of a youth. Programs oriented to the changing of these attitudes would seem likely to make significant contributions.

Youth-serving organizations have for some time been concerned about providing young people with service opportunities. Meaningful work, in units that permit a person a sense of achievement, has long been recognized as contributing to an individual's self-respect. Yet there are only slim chances of young people being involved in projects of a service character that are truly appealing to youth themselves. Many adult-conceived enterprises reportedly have the look of made work to young people, or are intended to serve ends which the adult may appreciate but which may remain obscure to youth.

Giving youth a chance to help implies work we ourselves regard as of vital importance, not some incidental tidying-up operation. Giving youth a chance to help means accepting the possibility they will make mistakes on the job now and again—and it means being willing to accept the mistakes. Giving youth a chance to help means designing projects with an eye to youth participation in leadership and control, not service time and again as handmaiden only.

Perhaps city departments will have youth service projects of their own to suggest. But a variety of statutory limitations upon the city make this area of operation one probably more feasible for private organization. I know from our discussions with them that a number of social agencies would be most interested in reviewing with any interested donor a number of service programs presently awaiting sponsorship.

A kind of service project which might also be more largely developed under private auspices is self-service—by youth for youth. There have been occasions in the history of the youth board's street clubs project, when a group which, perhaps, had been hanging out in candy stores or on the curb, got together and

set up their own clubhouse in a vacant store front. Neighborhood merchants sometimes provided paint and the brushes with which the boys worked. Some undertakings along these lines were eminently successful; upon occasion, the outcome left something to be desired. In principle, however, an opportunity for youth to operate directly upon their own concerns would seem to be worth the planning. Certainly there is a tremendous range of possibilities in the schools, if adult advisors can accord youth any sizable area of free operation.

The most ambitious efforts in the service area are work camps. Under private auspices, mostly by denominational service committees, important projects have been undertaken by small work crews in resident settings. And some years ago, under public auspices, there were the resident work centers of the National Youth Administration, and the forestry camps of the Civilian Conservation Corps. People who have spent many years at youth work feel very strongly that a broadened conception of one's place in the world is provided by projects along these lines, perhaps more effectively than in any other way.

To live among one's peers; to be continuously in the company of a few friendly, helpful, genuinely interested adults; to have an opportunity both to work and to learn; to be working at something both interesting and important (like building new cabins in a children's camp); to have some fun in a place in some sense one's own; these are the attraction work camps offer youth.

While the city cannot undertake any major program along these lines in the foreseeable future, several private agencies have indicated an interest in this sort of project, if they had the money. This is one of a number of projects I feel should be brought to the attention of the people of New York, in the event new resources could be made available to the interested private agencies.

JOINT PLANNING

I have not discussed the financing of various programs in detail. Most will be found to come under formulas for State reimbursement. A number relate to areas which may be covered by Federal programs presently under discussion, especially the Kefauver bill (S. 728) which not only provides for subsidizing programs but details adequate administrative procedures as well.⁴¹

That we will cooperate with the Governor's juvenile delinquency study committee goes without saying. But there are even now 1 or 2 matters of special interest.

The New York City Youth Board, for example (which is the hub about which our whole program revolves) carries on from year to year as a temporary agency because of the terms of pertinent legislation at the State level. As a result the city departments operating programs under youth board subvention—and the private agencies, to an even greater extent, are left continually uncertain in the projection of any even moderately long-range plans.

One specific project which might be undertaken in a State agency would be the inauguration of special units in the public employment service to provide personnel in a position to find jobs and carry on the necessary follow-up on the employment problems of maladjusted youth. A few private services are doing a notable job in this field, but their resources are pitifully small. Those who know the field assure me there are young people ready and able to go to work who are getting into trouble simply because we have no really effective, thoughtful, patient placement program to help them.

The New York City Mental Health Board will play an important part in the development of programs for maladjusted youth.

For example, there are virtually no treatment programs for older boys with emotional disorders leading to violent behavior—yet many youths who fall into this category could be taken care of without being sent to an institution. There is a similar lack of facilities for boys who could make a decent adjust to society if there was a club of some sort where they could live and have some counseling help, while continuing on their jobs or at school. Their families have failed them, and in this small but significant number of cases, their homes seem simply out of the question for the boys involved.

Still another need is for large-scale professional training programs over relatively long periods; the youth board institutes I have recommended are not designed to take college students and make psychiatrists, caseworkers, and the

⁴¹ It would be well to bear in mind, however, that only \$5 million would be made available for all 48 States together, if the bill were passed.

SPENDING MONEY ^{OR} SAVING MONEY ?

WHAT \$2500 A YEAR WILL PAY FOR:



ONE BOY IN A CORRECTIONAL
INSTITUTION

OR



INTENSIVE CASEWORK WITH
12 FAMILIES

OR



RECREATION & CLUB PROGRAMS
FOR 85 KIDS

OR



A TRAINED YOUTH LEADER FOR
25 TEEN-AGERS IN A STREET CLUB

OR



A "REMEDIAL READING TEACHER"
FOR 15 CHILDREN

OR



TRAINING INSTITUTES FOR
330 YOUTH WORKERS

OR



JUVENILE AID BUREAU
PATROLMAN; 165 CASES

like out of them.⁴² They may not even be in a position to provide the major retraining which many professionals seem to need in order to work with some more violent youths.

We have profited in this study by consultation with Dr. Lemkau, and I have mentioned specific areas here more by way of example than as specific recommendations to the mental health board. As its own studies proceed, I am sure it will move in on a whole series of problems in our common effort to provide better services for delinquent and pre-delinquent youth.

THE ROAD AHEAD

We use the term "juvenile delinquent" to apply to children and youths guilty of a wide range of misbehavior. Most of these young people fall within the normal intelligence range. Their delinquency, in the overwhelming majority of cases, is not the outcome of any physical or hereditary defect. Most of the attitudes we deplore are not in any sense a reflection of brain disorders.

"Most juvenile delinquents are * * * potentially normal persons whose background is lacking in stabilizing influences both culturally and economically."

We would do well to bear in mind the words of a distinguished psychologist⁴³ from the National Institute of Mental Health, "Delinquency is as general a term as bellyache." It is important in approaching this problem that we bear in mind that the same delinquency may mean different things in the lives of different boys. Stealing, for example, may be the compulsive act of a habitual neurotic; or it may be the impulsive satisfying of a whim, a purely transitory phenomenon. It may represent a response to what a youngster conceives to be a challenge to his ingenuity; or it may be a hostile gesture against an unfriendly adult; or it may be the irresponsible "borrowing" of someone else's auto for an evening's joyride.

A crime is a crime and the wrongdoer must be made to answer for it. Yet in a very real sense, "circumstances alter cases" and the approach to rehabilitation for one offender may prove fantastically inappropriate in the case of another.

In considering remedial measures we will do well to proceed planfully, not acting on impulse, or going overboard for some precious scheme which is designed to wrap up the whole juvenile delinquency problem in one neat package. We will really start off on the wrong foot if we presume that there is a single appropriate approach to this riddle.

There are hard facts to be faced. Probably the most authoritative review of work in progress in this field, prepared by the United States Children's Bureau points out that:

"The causes of delinquency are numerous both in toto and within the individual case. This makes it unlikely that any program will achieve spectacular results. Most programs are single-focused. They aim at the elimination or amelioration of some condition that the backers regard as especially important in delinquency causation. Since, however, these conditions do not operate in isolation—either in the community or within the individual child and family—it is not to be expected that any single approach to delinquency prevention will be strikingly successful."

Helping rehabilitate delinquents, preventing youth in hazard from taking the delinquent path, requires focusing of skills from a number of fields. The teacher's knowledge in encouraging the acquisition of essential skills for living; the social worker's understanding of the interplay of emotion and action; the psychiatrist's insight into the deeper motives of behavior; the psychologist's skill in evaluating mental processes—no one alone suffices.

Programs to cope with delinquency may stand or fall depending upon the breadth of vision of professionals in those and other fields. Children will be receiving something less than the best we can offer, unless these specialists (along with religious leaders, guidance counselors, police and court officers) are, as people, big enough to pull together on a team, to share one another's skills.

Services to delinquent and pre-delinquent youth have crucial implications for the future of our city:

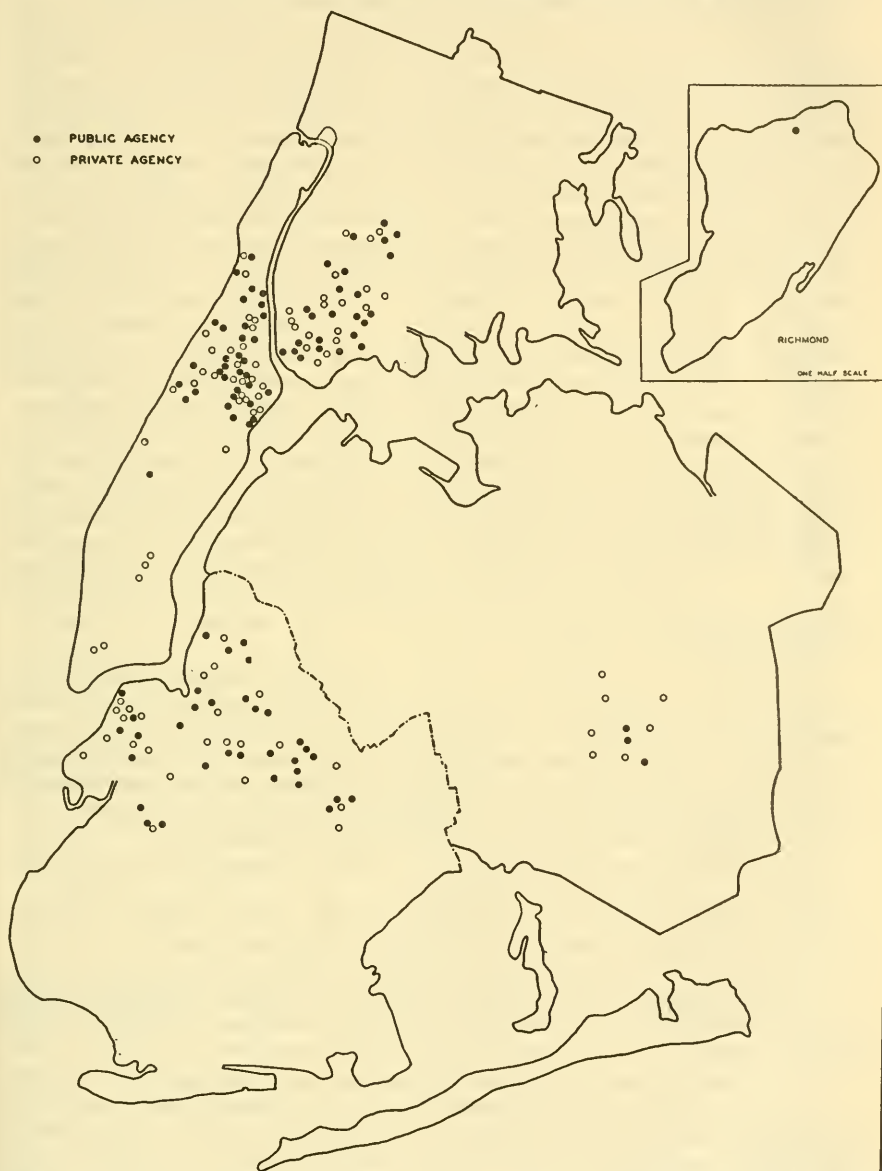
"Lest the generations of these maimed in childhood, each making the next in its own image, create upon the darkness, like mirrors locked face to face, an infinite corridor of despair."

⁴² Our projected school of social work at Hunter College will not be in position to even start meeting this need for at least 18 months.

⁴³ Fritz Redl.

LOCATION OF YOUTH BOARD SERVICES

- PUBLIC AGENCY
- PRIVATE AGENCY



NEW YORK CITY YOUTH BOARD DATA

Chairman KEFAUVER. I am cognizant of the fact that the New York Legislature did unusually fine work in the area of crime and horror comic books and pornographic literature earlier in the year. Assemblyman James Fitzpatrick's committee of the State legislature did a great deal of serious, conscientious work in this field.

We have come here with no intention of criticizing New York or any other one city or area; rather, we are here to show a nationwide picture. We seek and we feel we are entitled to receive the full cooperation of all public officials and thoughtful citizens throughout the Nation in this effort. Juvenile delinquency in general and pornographic literature in particular are problems facing every section. No one area should be singled out for censure. We must work together on a cooperative basis to solve this perplexing problem.

I would like to say at this time that no Senator has given more thoughtful attention to juvenile delinquency than my distinguished colleague, Senator William Langer, of North Dakota, who is here with us today. Senator Langer has personally conducted many hearings into this problem in all parts of the country. He has spent many hours conferring with those who have worked in this field and has conscientiously prepared valuable reports on this subject.

Since assuming the chairmanship of the Senate Subcommittee To Investigate Juvenile Delinquency in February of this year I have become increasingly concerned during each passing week with the effect pornographic material has on American adolescents and juveniles, and with the widespread distribution of this insidious filth. Therefore, some 2 months ago we directed the subcommittee staff—and I think we have a very excellent staff; several of the members being here, our chief counsel, Mr. James Bobo, on my left—to make an intensive investigation in this field.

Those of us on the subcommittee first became acutely aware of this problem while doing the preparatory work for the hearings on crime and horror comic books. In the course of our investigation on pornography the subcommittee has sent out more than 200 questionnaires to police chiefs in cities with a large population, and to more than 250 chiefs in small cities, rural areas, and university communities. An unusually high percentage of this group is cooperating.

I say without hesitance that I have been shocked and deeply disturbed personally by their findings.

The entire problem was pointed up by Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, when he said:

The publication and distribution of salacious material is a peculiarly vicious evil; the destruction of moral character caused by it among young people cannot be overestimated. The circulation of periodicals containing such material plays an important part in the development of crime among the youth of our country.

Many people are under the impression that pornographic movies, so-called party records, pictures showing unnatural sexual activities, and other material of this sort is produced primarily for stag parties and men's smokers. The effect of this material on adults is undoubtedly degrading, but the long-range impact on juveniles is far more serious; and that is what we are considering here today.

We shall show by these hearings that a large portion of the market for this material is with the inquisitive and impressionable teenagers. This means that after young people have been exposed to these pornographic pictures and movies showing all types of perversion, they

may tend to regard these things as normal. Indeed the influence is to lead them to embrace the abnormal and thus mar youthful lives.

We are calling witnesses who can testify to the effect this material has on the thinking and the habits of youngsters. I think it is time that this whole sordid business in insidious filth be brought into the open. The traffic in pornography has been growing by hundreds of thousands of dollars annually since the war.

While this traffic has been growing, sex crimes have increased with almost unbelievable rapidity. The statistics speak for themselves. A survey by the Federal Bureau of Investigation recently showed that during 1953 a sex criminal was arrested somewhere in our Nation every 6.7 minutes, day and night. Rape cases have increased 110 per cent since 1937. More rapes are now being committed by 18- and 19-year-old boys than by males in any other age group, and the percentage of rapists under 20 has approximately doubled since 1940. The impulses which spur people to sex crimes unquestionably are intensified by reading and seeing filthy material. Certainly something must be done about this filth.

The control of pornography rests with three distinct yet interconnecting groups. They are: (1) The Federal Government; (2) States and local communities; and (3) the individual. Generally, none have shown sufficient awareness of this acute situation.

In this respect I believe that the Federal Government has been the chief offender. On the Federal level we can stop the importation of this salacious material by adequate legislation and increased enforcement. The Federal Government must also be concerned about the distribution of pornographic material through the mails and its transportation by private automobile in interstate commerce.

Basically, however, it is the responsibility of the Federal Government to provide leadership in the overall effort to combat the distribution of pornographic material.

On the State level, there is desperate need for improved State statutes. Several States are showing the way in this respect, and the signs are becoming more hopeful in many others.

Local law enforcement and the public interest in this problem still tends to be spasmodic and insufficient. This subcommittee means to do its best to insure that the Federal Government assumes its responsibility. I have great confidence that when the facts are known others will be willing and anxious to do their part.

It is my strong feeling and the feeling of my colleagues on the subcommittee that the most plausible solution is Federal legislation which will stamp out the traffic. We already have several possible bills in mind designed to plug the gaping loopholes in existing legislation. This subcommittee has already reported 2 bills—Senate bills 599 and 600—which are aimed at tightening Federal control of pornographic materials in interstate commerce. These bills were passed by the Senate and now await action of the House of Representatives.

We have come to New York City to hold these hearings because of the national and international character of this racket. While it is true that New York City has a great deal of difficulty with the distribution of pornographic material, this is also true in a great many other cities in the Nation. This problem is both local and national. Since New York is the most important port of entry, the subcommittee felt the national effort would be best helped by holding these hearings

here. Several parts of the country, including the area around New York, are used as distribution points to channel the flow of smut into villages and hamlets across our great land. The Federal Government is responsible for stopping the influx of this material through the ports of entry and for its movement in interstate commerce.

We intend later to hold additional hearings on pornography in other parts of the Nation.

At the very outset let me make clear that the term "pornography" as it will be used in these hearings does not refer to legitimate magazines and books, although many of these border on the pornographic. This hearing will not even deal with the so-called art and health books, though some of them appear to be nothing more than a shrewd cover for pornography. Certainly we have no thought of censorship of any sort in mind. No one is more interested in the fullest freedom of the press than Senator Langer and me, but freedom of the press does not mean a license for indecency. Rather, we are concerned with publications and movies which everyone will agree portray and describe the basest sexual acts of perversions.

I have been greatly disturbed as I have looked through examples of material confiscated throughout the Nation in police raids. I cannot commend highly enough the many police chiefs who have cooperated so splendidly with our subcommittee and with our staff. Most are acutely aware of the seriousness of the situation. When I realize that much of the pornographic material is actually designed for the impressionable juvenile mind, it is certainly obvious that these materials could do incalculable damage to the moral and psychological fabric of our society through their effect on youngsters.

A large mail-order business in pornography is flourishing in every section of our land. We have received from many irate parents examples of advertisements sent through the mail trying to sell all sorts of filth to the very young. From our own State of Tennessee have come numerous advertisements of this material mailed originally to teen-agers.

Not only do children see movies made by the pornographers, but we have examples of the obvious use of children ranging from 14 to 18 years of age participating in the making of the pornographic films. Youngsters are used a great deal to peddle the filth to other children.

Pornography is only one of the subjects with which this subcommittee is dealing. We have held extensive hearings on youth employment, the effect of television on young minds, runaway children, juvenile courts, problems among Indian children, public and private social and welfare agencies, and other subjects. The subcommittee also has dealt with the overall problem in some 20 communities; but certainly pornography is an important phase.

In summary, let me say that in our hearings on pornography here and elsewhere we shall explore principally these five fields:

First, the magnitude of the traffic in obscene and lewd publications, pictures, records, and movies.

Second, the international and interstate ramifications of pornography, its production, distribution, and sale.

Third, the impact of this material on juveniles and the use of juveniles in this traffic.

Fourth, expanded Federal legislation designed to eliminate this cancerous growth on our social fabric.

Fifth, advising law-enforcement officials, parents, and others of the situation because on them eventual success will rest.

This, I am sure all of you realize, is a delicate subject with which we are dealing. I feel confident that the press, the witnesses and all others will handle this problem according to the highest tenets of good taste. I do not want to arouse any curiosity among those groups which have not seen this sort of literature. On the other hand, I do not want to be like the proverbial ostrich and hide our heads in the sand to avoid the perplexing problem.

At one time there were those who said narcotics as a problem should be avoided. That is, publicity about it. Others have proposed closing their eyes to the existence of venereal disease. Experience and the tests of time have shown that only by facing up to these problems can they be solved. Intensive educational campaigns have reduced the incidence of venereal disease. A public awareness of all that is involved in narcotics addiction has been proved to be a vast help in this field.

This subcommittee proposes to handle pornography in an adult, enlightened, and restrained fashion. No evil can be cured by being ignored. I believe that the healthful sunshine of public opinion is the best cure for this problem or any other. We are determined to arrive at some substantial results from these hearings.

Let me say in the begining that because of the rules of the building we cannot have smoking in the courtroom. That is difficult for some, including the chairman.

Also, some names will necessarily be used by witnesses. For that purpose, for that reason we will swear the witnesses, place them under oath, and they will testify. Anyone whose name is brought out, if he feels that his position has not been properly presented, if he will let the staff of the committee know we will immediately give him an opportunity of being heard.

Our staff has scanned the evidence, gone over it as fairly as possible. We don't want to do anyone an injustice. If anyone feels that their position has not been properly presented, they will be allowed to testify immediately.

We are honored to have the movie cameras and the TV here with us. To the extent that it is feasible and possible, we want all media of publication to participate; but any witness who feels that he or she would be embarrassed or discommoded by the lights or by television and the movie cameras, if they will let the staff or the subcommittee know, they will not be asked to testify for television.

Also, some of these lights are pretty warm at times.

Senator Langer, do you wish to may any comments before we start?

Senator Langer. No, Mr. Chairman.

Chairman KEFAUVER. I think I would probably better swear you reporters.

(At this point Chairman Kefauver swore Maxwell S. Lipton and H. Schneider to duly report the hearings of the subcommittee.)

Chairman KEFAUVER. Mr. Bobo, do you have any comments about the hearings before we start?

I might say that our hearing today will have to be cut short at about 12:30 because Senator Langer and I have to return to the Senate to be counted for a vote, which will be held at about 3 o'clock. We will have to recess here about 12:30. We will have a break at about 11, and then we will resume and carry on through until 12:30.

Tomorrow we have, unfortunately, the same situation. We will begin at 9 and will carry on, have a short lunch period and carry on until about 3; then we have to return to Washington for another vote.

We will be back for the hearings to start at 9 o'clock Thursday.

Mr. Bobo, do you have a certain resolution that you want to read into the record?

Mr. BOBO. Yes; I have.

Resolved by the subcommittee of the Committee on the Judiciary—

Chairman KEFAUVER. Just state what it is.

Mr. BOBO. This is a resolution authorizing the sitting of this subcommittee in New York, with Senator Estes Kefauver and such other members as are present and are authorized to take sworn testimony, a copy of which is here agreed to by the full membership of the subcommittee.

Chairman KEFAUVER. Also let a copy of the resolution creating the subcommittee and the appointment of the subcommittee members be made a part of the record at this point.

(The documents referred to were marked "Exhibit No. 2," and read as follows:)

EXHIBIT No. 2

[S. Res. 89, 83d Cong., 1st sess.]

[Omit the part struck through and insert the part printed in *italic*]

RESOLUTION

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study of juvenile delinquency in the United States. In the conduct of such investigation special attention shall be given to (1) determining the extent and character of juvenile delinquency in the United States and its causes and contributing factors, (2) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws, (3) sentences imposed on, or other correctional action taken with respect to, youthful offender by Federal courts, and (4) the extent to which juveniles are violating laws relating to the sale or use of narcotics.

SEC. 2. *The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to hold such hearings, to require by subpoenas or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and, within the amount appropriated therefor, to make such expenditures as it deems advisable. The cost of stenographic services to report hearings of the committee or subcommittee shall not be in excess of 40 cents per hundred words. Subpoenas shall be issued by the chairman of the committee or the subcommittee, and may be served by any person designated by such chairman.*

A majority of the members of the committee, or duly authorized subcommittee thereof, shall constitute a quorum for the transaction of business, except that a lesser number to be fixed by the committee or by such subcommittee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. The Committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest date practicable but not later than March 1, 1954.

SEC. 4. For the purposes of this resolution, the Committee, or any duly authorized subcommittee thereof, is authorized to employ upon a temporary basis such technical, clerical, and other assistants as it deems advisable. The expenses of

the Committee under this resolution, which shall not exceed \$50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

[S. Res. 190, 83d Cong., 2d sess.]

RESOLUTION

Resolved, That section 3 of S. Res. 89, Eighty-third Congress, agreed to June 1, 1953 (authorizing the Committee on the Judiciary to make a study of juvenile delinquency in the United States), is amended to read as follows:

"SEC. 3. The committee shall make a preliminary report of its findings, together with its recommendations for such legislation as it deems advisable, to the Senate not later than February 28, 1954, and shall make a final report of such findings and recommendations to the Senate at the earliest date practicable but not later than January 31, 1955."

SEC. 2. The limitation of expenditures under such S. Res. 89 is increased by \$175,000, and such sum together with any unexpended balance of the sum previously authorized to be expended under such resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

[S. Res. 62, 84th Cong., 1st sess.]

RESOLUTION

Resolved, That in holding hearings, reporting such hearings, and making investigations as authorized by section 134 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdictions specified by rule XXV of the Standing Rules of the Senate insofar as they relate to the authority of the Committee on the Judiciary to conduct a full and complete study of juvenile delinquency in the United States, and including (a) the extent and character of juvenile delinquency in the United States and its causes and contributing factors, (b) the adequacy of existing provisions of law, including chapters 402 and 403 of title 18 of the United States Code, in dealing with youthful offenders of Federal laws, (c) sentences imposed on, or other correctional action taken with respect to, youthful offenders by Federal courts, and (d) the extent to which juveniles are violating Federal laws relating to the sale or use of narcotics, the Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1955, through July 31, 1955, (1) to make such expenditures as it deems advisable including no more than \$2,000 for obligations outstanding and incurred pursuant to S. Res. 49, agreed to February 4, 1955; (2) to employ on a temporary basis such technical, clerical, and other assistants and consultants as it deems advisable; and (3) with the consent of the heads of the department or agency concerned, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government.

SEC. 2. The expenses of the committee under this resolution, which shall not exceed \$125,000, shall be paid from the contingent fund of the Senate by vouchers approved by the chairman of the committee.

SEC. 3. This resolution shall be effective as of March 1, 1955.

RESOLUTION

Resolved by the subcommittee of the Committee on the Judiciary to Study Juvenile Delinquency in the United States, That pursuant to subsection (3) of rule XXV, as amended, of the Standing Rules of the Senate (S. Res. 180, 81st Cong., 2d sess., agreed to February 1, 1950) and committee resolutions of the Committee on the Judiciary adopted January 20, 1955, that Senator Estes Kefauver (Democrat, Tennessee), and such other members as are present, are authorized to hold hearings of this subcommittee in New York, N. Y., on May 23, 24, 25, and 26, and such other days as may be required to complete these hearings, and to take sworn testimony from witnesses.

Agreed to this 20th day of May 1955.

THOMAS C. HENNINGS, JR.,
WILLIAM LANGER,
ALEXANDER WILEY,

Members of Subcommittee to Study Juvenile Delinquency.

Chairman KEFAUVER. Anything else, Mr. Bobo?

Mr. BOBO. That is all.

Chairman KEFAUVER. Our first witness.

Mr. BOBO. Mr. Peter N. Chumbris.

TESTIMONY OF PETER N. CHUMBRIS, ASSOCIATE COUNSEL, UNITED STATES SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, OF THE COMMITTEE ON THE JUDICIARY

(Mr. Chumbris was sworn by Chairman Kefauver.)

Chairman KEFAUVER. We have a lot of witnesses. We want to get to the important points.

All right, Mr. Bobo, will you proceed?

Mr. BOBO. Mr. Chumbris, you have a statement there outlining the investigation which you have made as a member of the staff, showing the data that has been gathered by the subcommittee. I will ask you to proceed with your statement.

Chairman KEFAUVER. Mr. Chumbris is our associate counsel of our subcommittee, a very capable lawyer from Washington, D. C., who has been with the subcommittee for some time, and is a competent and fair attorney; and his investigation in this field has been very substantial.

Mr. CHUMBRIS. Thank you, Mr. Chairman.

Realizing the great impact that such lewd and obscene pornographic matter would have on youth, the subcommittee assigned to several members of the staff the investigation to be made of the nature and extent of the pornographic traffic in the United States and to determine if said traffic were of interstate character.

During the course of the investigation, I made it a practice to visit the police departments of the respective cities and counties or the prosecuting attorneys that I visited during the course of the investigations and hearings, as well as making special visits to these cities. We examined the exhibits that the departments had in their files that were taken from the violators of pornography.

In discussing the matter we obtained much information as to who the leading producers and distributors and small stores were that were selling this pornography, not only to adults but to many of the juveniles. We obtained their criminal records, their methods of operation and the territories which they covered.

Throughout this procedure the subcommittee showed that the traffic in pornography is interstate in nature and that it is fanned out across the four corners of our Nation.

If you will look at the map on my right here [exhibiting], each one of these dots represents various activities as is indicated at the top.

The related dots represent actual reports that we have received from the chiefs of police that pornography is being sold to juveniles. The blue dots indicate the cities that one distributor alone in Houston, Tex., fans out his operations in all of those cities.

Chairman KEFAUVER. Mr. Chumbris, it is hard to see just what the cities listed in the files of the Southwest distribution is. I cannot see what colors they are. Generally where does one man out of Houston operate?

MR. CHUMBRIS. The one man out of Houston, for instance, are these black dots [indicating], and you can see them all along in here. They go up into Kansas, Oklahoma, Arkansas, into Louisiana, Mississippi, Alabama, Georgia, Florida, part in Tennessee, Missouri. They go into Colorado, into two towns in New Mexico, and into Los Angeles, San Francisco, Sacramento, on north. They even reach up to Tacoma, Wash.; and that is one distributor from Houston, Tex.

Incidentally, the subcommittee worked with the police department of Houston, Tex., in apprehending this person who had that great traffic in distributing pornographic materials.

Chairman KEFAUVER. Is there any reason why you cannot tell us who he is?

MR. CHUMBRIS. That will be brought out later, Senator, during the course of these hearings.

MR. BOBO. The man you are referring to, is that Ed Florance, of Houston, Tex.?

MR. CHUMBRIS. That's correct. And it was approximately about a week ago that this raid took place and this great haul was made by the police department of Houston.

MR. BOBO. It is true this man's operations extended into Canada, South America, and Mexico?

MR. CHUMBRIS. That is correct, Mr. Bobo. Some of the cities and States—

Chairman KEFAUVER. Just a minute. Whenever you want to take any pictures, turn these lights on; but it is awfully hot. I don't know how we can arrange that. If you cannot, just say so.

MR. CHUMBRIS. Some of the cities and States from which information was received from the police departments and other city and State officials were: Philadelphia, Pa.; New York City, N. Y.; Pittsburgh, Pa.; Chicago, Ill.; Detroit, Mich.; Milwaukee, Wis.; Cleveland, Ohio; Miami, Fla.; St. Louis and Kansas City, Mo.; New Orleans, La.; Los Angeles, Calif.; Connecticut; and various cities in such States as Connecticut, Rhode Island, Massachusetts, North Carolina, the State of Washington, and several others.

From these personal interviews and in corresponding with these officials, the subcommittee was able to determine that certain individuals were known in many of these cities and States, and were known to be large distributors of pornographic matter in many parts of the country.

Several key witnesses will present testimony of the extent and nature of the interstate character of the filthy pornographic traffic; most of them are representatives of the police departments of these various cities.

Now, at the outset it would be interesting to note that with the changing of the times has also come a change in pornographic matter. Back in 1900 many States had inaugurated statutes to stop the traffic of pornography, but in those days they were little 2-by-4's known as "Maggie and Jiggs" books, little pamphlets, a few pictures. But today the business has become highly specialized. We have film, we have film in color, we have film with sound, we have wire recordings, tape recordings, records, playing records; we have booklets in color, and the usual type to which I have already referred.

Many of these statutes have been unaltered throughout the years, and because of this new influx of the type of pornographic material

we have received from the various officials of the various States the complaint that the statutes need to be changed to meet this new problem that now confronts them.

Chairman KEFAUVER. That is true of the States' statutes, but it is especially true of our Federal statutes.

Mr. CHUMBRIS. That is correct. Federal statutes 1461, 1462, 1463, and 1464, a copy of which I have here and which I would like to introduce into evidence—

Chairman KEFAUVER. Let them be printed in the record.

(The documents referred to above were marked "Exhibit No. 3," and are as follows:)

EXHIBIT No. 3

SEC. 1461. MAILING OBSCENE OR CRIME-INCITING MATTER

Every obscene, lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character; and

Every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and

Every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose; and

Every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether sealed or unsealed; and

Every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and

Every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can, be used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose; and

Every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing—

Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

The term "indecent," as used in this section includes matter of a character tending to incite arson, murder, or assassination. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 768, eff. Sept. 1, 1948.)

SEC. 1462. IMPORTATION OR TRANSPORTATION OF OBSCENE LITERATURE

Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly deposits with any express company or other common carrier, for carriage in interstate or foreign commerce any obscene, lewd, lascivious, or filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how or of whom, or by what means any of such mentioned articles, matters, or things may be obtained or made; or

Whoever knowingly takes from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 768, eff. Sept. 1, 1948.)

SEC. 1463. MAILING INDECENT MATTER ON WRAPPERS OR ENVELOPES

All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, and all postal cards upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, or obscene character are written or printed or otherwise impressed or apparent, are nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster General shall prescribe.

Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable matter, or knowingly takes the same from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than \$5,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 769, eff. Sept. 1, 1948.)

SEC. 1464. BROADCASTING OBSCENE LANGUAGE

Whoever utters any obscene, indecent, or profane language by means of radio communication shall be fined not more than \$10,000 or imprisoned not more than two years, or both. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 769, eff. Sept. 1, 1948.)

Mr. CHUMBRIS. Of statutes prohibiting obscene, pornographic, lewd matter from being mailed or transported across State lines, or being brought into the United States.

Now, we also go into the State laws, and, Mr. Chairman, I also have here a summary of the State laws of the 48 States that I would like to have presented here this morning.

Chairman KEFAUVER. That will be printed in the Record as an exhibit in your testimony.

(The document referred to above was marked "Exhibit No. 4," and is as follows:)

EXHIBIT No. 4

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington 25, D. C., May 19, 1955.

To: Senate Subcommittee on Juvenile Delinquency.

Attention: Mr. Schonberger.

From: American Law Division.

Subject: Minimum and maximum penalties imposed for violations of State laws pertaining to obscene and pornographic materials.

Alabama

Posting or leaving obscene picture or printed matter near a church, school, highway, etc.—Fine of \$10 to \$500, or punishment at hard labor by the county up to 12 months.

Introducing, advertising, or selling obscene material.—Fine of \$50 to \$1,000.

Display of nude pictures in public places, except galleries.—Fine of \$50 to \$500.

Code (1940) Lit. 14 §§ 372-374.

Arizona

Preparation, advertisement, distribution, sale or exhibition of obscene materials.—Imprisonment in county jail up to 6 months, or fine up to \$300, or both.

Code Ann. (1939) §§ 43-110; 43-3002.

Arkansas

Circulation, offer for sale, and sale of obscene materials.—Fine of \$100 to \$300 for first offense; \$500 to \$1,000 for second offense.

Selling, offering for sale, or possessing any materials, the shipment of which has been rejected by the United States mails, or which the Federal Government will not permit to be shipped or handled. Fine of \$50 to \$100; each day of violation being a separate offense.

Stat. Ann. (1947) §§ 41-2704, 41-2706 to 41-2708.

California

Imprisonment in county jail up to six months or fine up to \$500, or both, for the first offense; or imprisonment in state prison for not less than one year for subsequent offenses.—Penal Code (Deering, 1949) §§ 19, 311.

Colorado

Fine of \$100 to \$2,000 with costs, and imprisonment in the county jail up to one year.

Rev. Stat. (1953) § 40-9-17.

Connecticut

Imprisonment up to two years, or fine up to \$1,000, or both.

Gen. Stat. (1949) § 567.

Delaware

Fine of \$250 to \$2,500, or imprisonment for 30 days to three years, or both; and fine of \$500 to \$5,000, or imprisonment for six months to five years, or both, for subsequent offenses.

Code Ann. (West, 1953) ch. 11 §§ 711-712.

Florida

Imprisonment in state prison up to five years, in the county jail not exceeding one year, or fine up to \$100.

Stat. Ann. (1944) § 847.01.

Georgia

Imprisonment for one to five years; or, on jury's recommendation, a fine not to exceed \$1,000 or imprisonment up to six months at work on the public roads, or on other public works, not to exceed 12 months, or or more of these penalties.

Code Ann. (1953) §§ 26-6301; 27-2506.

Idaho

Imprisonment in county jail up to six months; or fine not exceeding \$300, or both.

Code Ann. (1948) §§ 18-113, 18-4101.

Illinois

Imprisonment in county jail up to six months, or fine of \$100 to \$1,000.

Ann. Stat. (Smith-Hurd, 1935) ch. 38 § 468.

Indiana

Fine of \$10 to \$200, to which may be added imprisonment up to 90 days.

Stat. Ann. (Burns, Supp. 1953) § 10-2805.

Iowa

Imprisonment up to one year, or fine up to \$1,000.

Code Ann. (West, 1950) § 725.4.

Kansas

Fine of \$5 to \$300, or imprisonment up to 30 days, or both, for dealing in obscene literature; fine of \$50 to \$1,000, or imprisonment from 30 to six months, or both, for publishing such literature.

Gen. Stat. Ann. (Corrick, 1949) §§ 21-1101 to 21-1102.

Kentucky

Fine of \$50 to \$1,000, or imprisonment from 10 days to one year, or both.

Rev. Stat. (1953) § 436.100.

Louisiana

Fine up to \$500, or imprisonment up to two years, or both.

Rev. Stat. Ann. (West, 1951) Tit. 14 § 106.

Maine

Fine of \$100 to \$1,000, and imprisonment up to five years for publishing and circulating obscene materials. Fine of \$25 to \$100, or imprisonment up to six months, or both, for circulating such materials among minors.

Rev. Stat. (1954) ch. 134 § 24, 27.

Maryland

Fine up to \$200, or imprisonment up to one year, or both.

Code Ann. (Flack, 1951) art. 27 § 515.

Massachusetts

Imprisonment up to two years, or fine of \$100 to \$1,000, or both, for first offense; imprisonment of six months to two and one-half years, or fine of \$200 to \$2,000, or both, for subsequent offenses. These penalties apply to sales or distribution of obscene literature to persons under 18.

Imprisonment up to two years, or fine of \$100 to \$1,000, or both, for sale or distribution of obscene pamphlets, records and pictures, and books.

Ann. Laws (Supp. 1954) ch. 272 § § 27-28B.

Michigan

Imprisonment in county jail up to 90 days, or fine up to \$100, or both, for first offense; imprisonment up to one year, or fine up to \$500 for second offense; imprisonment up to four years, or fine up to \$2,000, or both, for third and subsequent offenses.

Stat. Ann. (1938) §§ 28.575-28.577, 28.577 (1), 28.771-28.772.

Minnesota

Imprisonment of 90 days to one year in county jail, or fine of \$100 to \$500, or both.

Stat. Ann. (West, 1947) § 617.24.

Mississippi

Fine up to \$500, or imprisonment in county jail up to six months, or both.

Code Ann. (1942) § 2288.

Missouri

Fine of \$50 to \$1,000, or imprisonment in county jail up to 1 year, or both.

Ann. Stat. (Vernon, 1953) § 563.280.

Montana

Imprisonment in county jail up to 6 months, or fine up to \$500, or both.

Rev. Code (1947) §§ 94-116, 94-3601 to 94-3603.

Nebraska

Fine of \$50 to \$1,000, or imprisonment in county jail up to 1 year, or both.

Rev. Stat. (1943) § 28-921.

Nevada

Fine of \$500 to \$1,000, or imprisonment in county jail from 6 months to 1 year, or both.

Comp. Laws (Hillyer, 1929) §§ 996S, 10144.

New Hampshire

Fine up to \$500, or imprisonment up to 6 months, or both.

Rev. Laws (1942) ch. 441 §§ 14-17; am. Laws 1947 ch. 73; 1953 ch. 233.

New Jersey

Fine up to \$1,000, or imprisonment up to 3 years, or both.

Stat. Ann. (West, 1953) §§ 2A: 85-7, 2A: 115-2.

New York

Imprisonment from 10 days to 1 year, or fine of \$150 to \$1,000, or both, for each offense.

Penal Law (McKinney, Supp. 1954) § 1141.

North Carolina

Common law penalty for misdemeanors; presumably by imprisonment in county jail up to 1 year, or fine in the discretion of the court, or both.

Gen. Stat. Ann. (Michie, 1944) §§ 14-1 to 14-3, 14-189.

North Dakota

Fine of \$5 to \$100; or imprisonment in county jail up to 30 days, or both.

Rev. Code (1943) § 12-2109.

Ohio

Fine of \$200 to \$2,000, or imprisonment up to 7 years, or both.

Rev. Code (Page, 1954) § 2905.34.

Oklahoma

Fine of \$10 to \$1,000, or imprisonment from 30 days to 10 years, or both.

Stat. Ann. (West, Supp. 1954) Tit. 21 § 1021.

Oregon

Imprisonment in county jail up to 6 months, or fine up to \$500, or both.
Rev. Stat. (1953) § 167.150.

Pennsylvania

Fine up to \$500, or imprisonment up to 1 year, or both.
Stat. Ann. (Purdon, 1945) Tit. 18 § 4524.

Rhode Island

Fine of \$100 to \$1,000, or imprisonment up to 2 years.
Gen. Laws (1938) ch. 610 § 13.

South Carolina

Fine up to \$1,000, or imprisonment up to 2 years, or both.
Code Ann. (1952) § 16-414.

South Dakota

Fine up to \$500, or imprisonment in county jail up to 1 year, or both.
Code (1939) §§ 13.0607, 13.1722.

Tennessee

Fine up to \$1,000, or imprisonment in county jail up to 1 year, or both.
Code Ann. (Williams, 1934) §§ 10756, 11190.

Texas

Fine, up to \$100.
Penal Code Ann. (Vernon, 1952) art. 526.

Utah

Fine up to \$300, or imprisonment in county jail up to 6 months, or both. Corporations may be fined up to \$1,000.
Code Ann. (1953) §§ 76-1-16, 73-39-1.

Vermont

Fine up to \$200, or imprisonment up to 1 year.
Stat. (1947) § 8490.

Virginia

Fine up to \$500, or imprisonment up to 1 year, or both.
Code Ann. (Michie, 1950) § 19-265; (Supp. 1952) § 18-113.

Washington

Publishing detailed accounts of adultery, sexual crime, or of evidence of immoral acts offered in court: Fine up to \$1,000, or imprisonment in county jail up to 1 year, or both.

Sale, possession, distribution, or exhibition of obscene material: Fine up to \$250, or imprisonment in county jail up to 90 days.

R. C. W. (1951) §§ 9.68.010, 9.68.020, 9.92.020, 9.92.030.

West Virginia

Fine up to \$1,000, and imprisonment up to 1 year.
Code Ann. (1949) § 6066.

Wisconsin

Imprisonment in county jail from 3 months to 1 year, or imprisonment in State prison from 1 year to 5 years, or fine of \$100 to \$5,000.

Stat. (1951) § 351.38.

Wyoming

Fine up to \$100, to which may be added imprisonment in county jail up to 6 months.

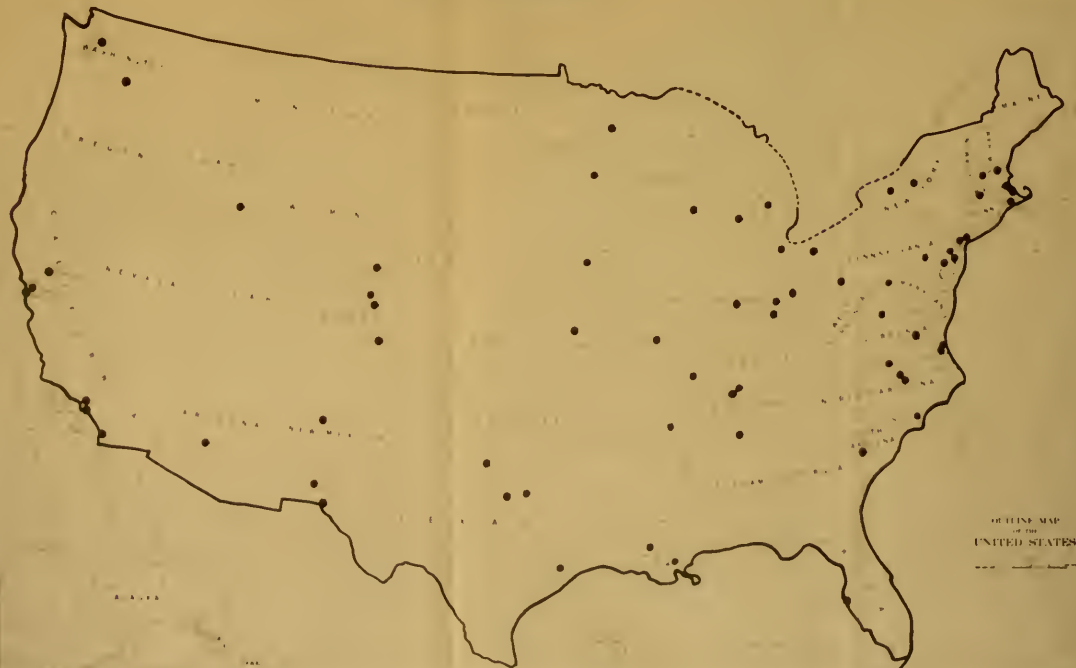
Comp. Stat. (1945) § 9-513.

NORMAN G. SMALL.

Chairman KEFAUVER. Incidentally, in that connection, a New York law has been amended, an admirable effort to do something about this problem, in the last legislature.

Mr. CHUMBRIS. That is correct, Senator. And I will point out that there are several other States that have seen the light in view of the

CITIES WHERE THE SALE, DISTRIBUTION, OR POSSESSION OF PORNOGRAPHIC LITERATURE
HAS BEEN ESTABLISHED ON THE BASIS OF 20% RETURNS OF 500 SUBCOMMITTEE
QUESTIONAIRES



mounting complaints by police officials, by the courts themselves, and by the legislators themselves. We have had several statutes that have been amended to make it more stringent, and also to take in pornographic matter that was not previously covered by the laws.

For example, here are some of the quotations that we have received from chiefs of police and other officials.

City of St. Paul, Minn.—

Chairman KEFAUVER. Mr. Chumbris, will you make it clear the number of inquiries sent out to the chiefs of police?

Mr. CHUMBRIS. Yes, sir. As you stated in the opening statement, Senator, we sent out questionnaires to all cities in the United States with a population of 100,000 or more. Besides that, we sent them to the State capitols of the States in which the population does not quite reach 100,000, and also to the larger cities in some States which do not quite reach 100,000 population. (See map.)

We also sent them to the towns where there are colleges or other large concentrations of youth, to see if there is any specific traffic going into prep school areas and colleges, and Army camps, and so forth.

From the returns that we have received, which are still incomplete returns, I have these following quotations which will point out the problem that the States have in dealing with this pornographic material.

In St. Paul, Minn.:

I believe that penalties for the manufacture of such materials should be so strong as to discourage any repeating by violators. The State legislature is now in the process of passing new laws tightening restrictions on this matter.

The State legislature of Wisconsin at the present time has under consideration more stringent bills for violation of the obscenity laws of the State.

In Minnesota, the police department of the city of Minneapolis states:

In some cases, we do not feel that our laws, either State or local, are adequate to cope with the so-called art magazines and photos. Without any question, certain of these magazines would be detrimental to the minds of juveniles.

The police department of city of Worcester, Mass.: "Penalties are not sufficient," is their answer to the question propounded:

In your opinion, are penalties rendered for these offenses sufficient to act as a deterrent to committing the offense?

At this time, Mr. Chairman, I would also like to present a copy of the questions that we sent out to these various police officials throughout the country.

Chairman KEFAUVER. Let it be printed in the record.

(The document referred to was marked "Exhibit No. 5," and is as follows:)

EXHIBIT No. 5

APRIL 12, 1955.

Mr. -----
Chief of Police

Address -----

DEAR MR. -----

This subcommittee, in investigating the overall problem of juvenile delinquency, has become concerned with certain special problems. One of these is the manufacture, distribution, sale, and possession of pornographic materials. A pre-

liminary survey of the problem revealed valuable information and secured leads to persons connected with the traffic in this insidious filth.

Another special problem which has an impact on youth is the so-called white-slave racket, of which the subcommittee is seeking further information.

In order to determine the nature, extent, and national scope of these operations, answers to the following questions will prove most beneficial to the subcommittee. Staff investigators will be available to follow up leads furnished by you.

1. Please list the names (with aliases) and addresses of all persons arrested and/or convicted in the past 2 years in your jurisdiction of the production or distribution of pornographic literature of any kind.

2. Will you make any photos, criminal records, or other information of the above available to the subcommittee?

3. Please furnish names and addresses of accomplices of the above, even though not arrested or charged with violation of the obscene-literature statutes or ordinances.

4. Please give the names and addresses of owners of buildings where pornographic literature was produced, stored, or sold.

5. Please furnish names and addresses of persons, other than above, known to be engaged in manufacture or sale of pornography.

6. In your opinion, is traffic in pornographic material in your jurisdiction extensive, medium, or light? Is it directed to adult or children?

7. In your opinion, are penalties rendered for these offenses sufficient to act as a deterrent to committing the offenses?

8. In your opinion, are State and local laws adequate to cope with the problem?

9. Do you have samples of pornographic materials? If so, will you make them available for subcommittee staff inspection?

10. Do you have evidence or reason to believe that persons dealing in pornographic materials are connected with a ring or other criminal activity such as narcotics or white slavery?

11. Please furnish copies of any lists of customers you may have confiscated from persons dealing in such materials.

12. Please furnish names and addresses of all persons arrested in the past 2 years in your jurisdiction on charges of white slavery.

Any suggestions you might care to make on measures designed to curb the traffic in pornography and/or white slavery will be greatly appreciated and will be given serious consideration. The above questions are posed with the idea that they will be a guide in submitting the information the subcommittee desires.

With kindest personal regards, I am,

Sincerely,

ESTES KEFAUVER, *Chairman.*

Mr. CHUMBRIS. The chief of police from Gary, Ind.:

In my opinion, the sentences should be greater, especially where juveniles are the purchasers.

Chief of police of Durham, N. C.:

In my opinion, the penalties rendered in these cases should be more severe—and, further—

I believe that the State and local laws should be made stronger with respect to obscene literature.

Chief of police, city of Norfolk, Va.:

In my opinion, State and local laws are adequate to cope with the problem, however, I feel that the punishment should be more severe.

Chief of police of Dallas, Tex., states:

In my opinion, State and local laws are not adequate to cope with the problem. Under Texas laws, violations of this type are claimed as misdemeanors.

And we find that to be the case in many States, that they are misdemeanors and not felonies.

The city of Los Angeles has an interesting statement:

Under our present laws, it is sometimes difficult to obtain convictions that discourage future participation by the defendant, because the sentence imposed is

quite often negligible. It is generally felt that if such a conviction would require registration as a sex offender, the frequency of repeaters would drop noticeably. Uniformity of the laws pertaining to pornography would be of great value insofar as the liaison between police agencies is concerned. Many acts constituting a violation of the Los Angeles municipal code sections are not illegal acts in other States and cities.

As to our questionnaires, we also received some very pertinent information as to how the traffic reaches individual juveniles.

Rochester, N. Y.:

Violator was charged with possessing indecent pictures. Officer found subject showing indecent pictures and books to a group of 13-year-old girls in front of No. 14 School on University Avenue. Subject pleaded guilty.

This was in 1954, in March.

Columbus, Ohio:

Subject now in Ohio State Penitentiary—used juvenile girls for models to lewd photographs.

I might point out that the State of Ohio has one of the stiffest penalties for pornography. It is up to 7 years in the penitentiary, and \$2,000 fine.

I would also like to point out that the subcommittee, in official business in North Dakota, conferred with the judiciary committee of the house, in which the opinion of the subcommittee was asked, and they accepted the recommendations of the subcommittee, and they now have one of the most stringent laws, most up-to-date laws, dealing with pornography.

They even provide for the confiscation of the equipment, so that the man cannot go back in business. I understand that that is one of the few States in the United States that does have that law in effect.

Chairman KEFAUVER. By "equipment" you mean not just films, you would mean the projector and the others?

Mr. CHUMBRIS. The projector, the automobile that transports the pornography into other States, any type of equipment they may have. Because we have found instances where the city police say:

We throw up our hands; we grab a man with \$50,000 worth of pornography, and his equipment, his car, and they burn up the pictures and so forth; they give him back his car, they give him back his equipment, and right away he is setting up business again in another town after he gets out of the jurisdiction of that particular court.

Seattle, Wash., going back to places where juveniles are purchasing or are being confronted with pornographic matter:

* That where there is pornographic material, it is somewhat difficult to determine what is directed specifically to adults or to children. As long as it is in a community, it appears to us that it is available to either.

Trenton, N. J.:

Subject sold indecent and obscene literature and pictures to juveniles. Convicted of violation of the crimes act, sentenced to 18 months.

Senator LANGER. Mr. Chumbris, would you say that the North Dakota law would be a model for other States to follow?

Mr. CHUMBRIS. I think so, Senator. I think it would be an excellent law, especially the provision of confiscation of the equipment. Our subcommittee last year introduced such a bill in the Congress of the United States covering the District of Columbia, where we do now have jurisdiction, and that bill did not pass; but it will be considered again by this Congress.

Chairman KEFAUVER. As a result of our hearings in North Dakota, and Senator Langer, that the legislature out there did change the law in North Dakota; is that correct?

Mr. CHUMBRIS. That is correct. We appeared before the judiciary committee, and they followed our suggestions. They asked us for our suggestions, and they followed them to the letter.

Chairman KEFAUVER. All right.

Mr. CHUMBRIS. Los Cruces, N. Mex. In answer to a question of how much of the pornographic matter reaches minors, the chief of police answered:

Approximately 75 percent of the pornographic material reaches minors.

Des Moines, Iowa:

As mentioned previously, some of these pornographic books were found in one of our schools by a teacher who chanced to notice a group of boys looking at them, they notified police and more of the booklets were found in subject's store, hidden in the back counter. The boy who obtained the books had worked at the store after school hours. Subject was arrested a second time for possession of pornographic booklets.

In this instance some of the materials were found on children in elementary schools, not junior high or high school, but elementary schools.

On a complaint from a father who claimed a photograph dropped from his daughter's school book, the subject was arrested and found to have 600 pornographic pictures and 7 reels of film depicting lewdness at its worst. The subject stated that the salesman was driving a car with New York plates.

Yakima, Wash.—

Chairman KEFAUVER. Just a minute. You spoke of a pornographic material being found among kids in elementary school. Does it indicate what age group that is?

Mr. CHUMBRIS. In this report it did not. This was taken from the questionnaire that the chief of police sent us. But children of elementary school—

Chairman KEFAUVER. That would be 12 or under, 13 or under?

Mr. CHUMBRIS. That's right. From 6 to 12, 13 would be the highest age of the children in elementary school, I would assume.

Yakima, Wash.:

In December, 1954, it came to the attention of the police department that a number of juveniles in one of the junior high schools had in their possession some lewd pictures. Subject was arrested and charged with possession of obscene photographs and fined \$50 and given a 30-day jail sentence. Subject, an amateur photographer, stated he borrowed the pictures and made a set of negatives. He admitted printing over 400 of these pictures.

South Hadley, Mass.:

Pornographic material of lewd playing cards and pictures were strewn about a pond that is frequented by children in the neighborhood. The ages of the children were of school age—8 to 10 years of age—and pupils of Woodlawn School here in town. In all, I would say about 25 to 30 pictures were turned over to the police department.

Minneapolis, Minn.:

This letter was from a criminologist: "I gather that the use of pornographic movies is extensive among university and high school students in Minneapolis. Matteson, in the State bureau of apprehension, says that he doubts whether any college student goes through 4 years without being exposed at least once to a pornographic movie. Recent graduates of the University of Minnesota confirmed this. If so, there is extensive distribution of which the police are unaware or in which they are impotent."

Paducah, Ky.:

In answer to our question of estimate of pornographic material getting to minors, the answer is, "about 75 percent."

Manchester, N. H.:

Subject, aged 18, was arrested for giving obscene books away and for showing obscene books. He pleaded nolo contendere to both counts and was placed on probation for 6 months.

Raleigh, N. C.:

Subject was convicted of selling sexy comic books to high school students and was given 12 months sentence. It seems to me that this could be more effectively attacked on a nationwide basis, because that is the only basis whereby the sources can be controlled.

This is still the quotation from the chief of police:

If this department may be of further service to you or your committee, I assure you that we shall endeavor to do so to the best of our ability.

Harrisonburg, Va.:

Recently we received a complaint of a subject selling these materials, and subject had been selling this material to high school students.

Wilmington, N. C.:

During the entire investigation of obscene literature we received information that this literature had filtrated throughout the schools of the county and that it could be purchased by anyone who applied for it from the Piner or the Carolina Camera Shops.

West Allis, Wis.:

Subject had 22 obscene films in his possession. He was showing them in his basement, and 12 juveniles came to our attention who had viewed these films.

Boy 12 years old picked up with a telescope that had a picture of a nude woman in it. This boy took this from the bureau of his older brother, who had purchased it from an unknown man in a tavern.

Boy 17 with two obscene pictures, origin unknown. Boy was picked up as a prowler, was referred to juvenile authorities.

St. Louis, Mo.:

The pornographic material has been known to find its way into schools, as was true in the case of three individuals who were charged with sale and distribution of pornographic literature.

Eddyville, Ky.:

Pornographic literature is being sold to minors at numerous gasoline filling stations in this area.

Burlington, N. J.:

Pornographic literature is being sold at quite a number of the newsstands. Nine minors have committed illegal sexual acts as a result of reading this material.

New York, N. Y.:

Pornographic literature is being sold at several bookstores in New York City.

Philadelphia, Pa.:

Pornographic literature has stirred up male youth, who consequently go out and commit "gang rape." This mass rape is an integral part of the juvenile gang warfare system. Its frequency is underestimated, and that is because many of the victims are afraid to report these crimes to the authorities.

Boulder, Colo.:

What percentage of this traffic would you estimate reaches minors?

The answer :

If any traffic, would suppose that most of it is among schoolchildren.

City of Long Beach, Calif. :

Traffic in pornographic material is light in this jurisdiction, and it is mainly directed to adults—

meaning that still some of it goes to juveniles.

Buffalo, N. Y. :

Our last referral to the youth bureau of the Buffalo Police Department was in connection with the distribution of pornographic literature and obscene comics among schoolchildren in the local area.

Boston, Mass. :

Subject was found guilty of rape of a 16-year-old girl, and investigation of premises revealed 50 photos of pornographic nature. There are other instances of individuals being charged with sex offenses and exhibiting obscene material to 9- and 10-year-old girls.

Cleveland, Ohio :

Nude sequence photographs found in subject's house, with girls in photos obviously juveniles.

Baton Rouge, La. :

Examination of case records (three such cases) tend to show, as does past experience in our department, that the nature of this pornographic literature is reaching students and children of junior high and high school age brackets.

Denver, Colo. :

Subject charged with attempting to molest two teen-age girls, was found to have six small pulp magazines of pornographic nature in the glove compartment of his car.

This bears out, Mr. Chairman, the opening statement where J. Edgar Hoover states that the growing sex crimes committed by 17- and 18-year-old boys—they read the stuff, and they go out and molest these young girls.

Several cities, such as the city of Roanoke, Va., state that they are unable to say what percentage of the pornographic traffic would reach minors, indicating there that it is there, but they cannot break it down as to how much goes to adults and how much goes to minors.

Phoenix, Ariz. :

In answer to our question of whether traffic is directed to adults or children, the answer was directed to juveniles.

The police further state :

It is our suggestion that parents of juveniles be impressed with the necessity of training their children to report any display of or attempt to sell them pornographic literature.

I think that is a sentence that can be well borne in mind by the parents of America.

Now we come to advertisements by mail. We are going to have witnesses from the Post Office Department who will give us their problems and the full picture; but I would like to point out that in this mailing of pornographic material, first they have these name lists where the companies, A, B, C, for instance, at a certain address, will send out these circulars. The circulars are very, very suggestive. The question is, How to stop that advertising from getting to these minors, because we are receiving many complaints.

Name lists is a big business. Some of them are very, very legitimate; they are very legitimate name lists of juveniles used by baby-clothing stores and baby-food operators, and so forth; but somehow or other these certain individuals will obtain these name lists from legitimate sources, by hook or crook, and then take and turn around and sell these name lists and make a terrific amount of money.

In one of the cases that we will present during the course of these hearings I personally examined the material that was confiscated by the police department, and they had a file case that is almost as big as some of our governmental agencies, full of name lists that this man had at his command, over 100,000 names of different persons, and he concentrated as much as possible, as much as he could, on juveniles. I mean, that seemed to be the big business to them.

In order to see how that operation went into effect, the subcommittee used a procedure used by the Post Office Department. A definite name and address was taken, a letter was written to those people who advertised in these magazines of these type of photos and films that are supposed to be of a shady nature. It was written in the handwriting of a juvenile, on high-school stationery, sent to these advertisers. None of the advertisers attempted to find out whether the letter which was written on high-school stationery in juvenile handwriting was a person underage or overage. He immediately sent the order that was requested.

That type of advertising is a headache to the Post Office Department, and I am sure they will bring it out in full during the course of these hearings.

That name-list business is big business, and it has stumped the law-enforcement agencies as to how best treat it.

Chairman KEFAUVER. Tell us in a little more detail how the name list works. These pornographic outfits get the name lists and they send something not only suggestive literature, but they don't exactly describe what it is?

Mr. CHUMBRIS. That's right. They give you an idea that it is of the lowest type, and the person answer, and the first time they will send you back something that will be, let's say, a nude picture which they think that they can get by without prosecution from the law.

Then what they hope to do is establish a relationship, and the next order will be for more of the pornographic, until finally, we believe and we do hope that we will be able to establish that before we complete our investigation on pornography, that the first orders are come-ons, and finally they go into the lewd filthy, pornographic material. And this goes to juveniles.

Chairman KEFAUVER. A big part of it is with juveniles?

Mr. CHUMBRIS. A great amount of it is with juveniles.

As a matter of fact, one of the pictures that we received was of a boy in the nude, part of it was blacked out, but that boy couldn't have been more than 15 years old, from his appearance.

Chairman KEFAUVER. All right, sir, will you proceed.

Mr. CHUMBRIS. The other map that you see there [indicating] on the board, the smaller map is the one dealing with returns that we have received from police officers showing traffic to juveniles alone; I mean traffic to juveniles. So you can see how well it is spread

out throughout the country, and that is only a 20-percent return on the questionnaires that we have received.

I have just one more topic to discuss, Mr. Chairman, and that is a specific case that I am going to present here this morning, one in which the police officers of that city are not here to testify, and since I personally made the investigation and know, examined the court records and talked with the police officers, I know of it personally of my own knowledge, and I would like to explain that case to you now.

Mr. BOBO. Mr. Chumbris, on this mail-order business which you have been discussing, I think also involved in that business are a number of dildoes, d-i-l-d-o-e-s, as they are referred to in the trade, of a sexual nature, that have been going out in the mails to youngsters as young as 12 and 13, of which I believe we have evidence in our files.

I think also you have within your information, it could be within your possession this morning, a number of letters advertising these books, the messages from the parents, showing the widespread operation of it, concerning Gallatin, Tenn., which deals in this material; concerns New York and Los Angeles, and various other cities around the country.

Do you have any more information on the mailing lists? I know that you referred to baby foods and diaper shops. I don't think that the mailing list would be obtained from baby foods and diaper shops for the mailing of this material.

Mr. CHUMBRIS. That's one of the leads. The baby foods and diaper shops have legitimate name lists. Somehow or other these people who operate in mailing lists will get some of these names from that list.

For example, in these sample letters that we sent out they were sent to certain, let's say, three different companies. Then a month or so later 4 or 5 companies with whom no correspondence was had suddenly got hold of the names, which indicates that there is a method of transferring names, exchanging names, or in some instances it might be—well, I couldn't exactly explain what their method of procedure is, and that is one of the problems that we would like to explore.

Mr. BOBO. In your investigation with this subcommittee, is it not true that we have uncovered instance after instance where children would answer a magazine ad, in either a comic book or a legitimate trade magazine, and at a later date he would receive through the mail advertisements for material of a pornographic nature?

Mr. CHUMBRIS. That's correct.

Mr. BOBO. That might be mailable, and then at a later time the more lewd stuff would be presented to him?

Mr. CHUMBRIS. That's right. And how they would get those names we have not definitely established that; but it is being done.

Mr. BOBO. Presumably a mailing list from answers to advertisements.

Mr. CHUMBRIS. Yes.

Mr. BOBO. All right. Suppose you continue.

Mr. CHUMBRIS. In this case, the Saxton case, which was in Pittsburgh, Pa., one Louis Stevens Saxton, of 4204 Verona Boulevard, Pittsburgh, Pa., was arrested on October 25 of 1951 and charged with the manufacture and statewide distribution and sale of obscene literature—

Mr. BOBO. Mr. Chumbris, is this the case that you are speaking of now, the man who was operating from the jail cell?

Mr. CHUMBRIS. That's correct. Then after he was convicted?

Chairman KEFAUVER. Let's get his name again now.

Mr. CHUMBRIS. His name is Louis Stevens Saxton.

Chairman KEFAUVER. You have his criminal record; you have the official records?

Mr. CHUMBRIS. Yes. We have his record; we have his mug; everything was furnished to us by the police department.

He was convicted and was serving time. While he was in jail he contacted an accomplice known as Clarence Meade Barnes, who was on the outside. Clarence Meade Barnes continued the operations on the outside while Saxton masterminded from the jail. He was also indicted with Barnes on that particular offense and was also sentenced.

Chairman KEFAUVER. Was that a big operation?

Mr. CHUMBRIS. Yes; it was quite a big operation. The interesting part of the operation was that besides manufacturing the pornographic material they actually acted as distributors; they were known distributors in the East who would make big drops of this particular material in the Pittsburgh area, and Saxton would be the person who would handle it.

For instance, in a letter from Saxton to Barnes, which was written in code and then later Barnes explained to——

Mr. BOBO. Mr. Chumbris, do you have a copy of that letter in your files?

Mr. CHUMBRIS. That's up in the files of the subcommittee.

Barnes, in finally revealing the full statement to Lieutenant Carnahan of the police department of Pittsburgh, stated that the letter was in code. For instance, they would use the word "jewelry." Every time they used the word "jewelry" it referred to pornography. If it said "\$50 worth of jewelry," it meant that it was \$50 worth of pornography. If it mentioned "John owes \$50 for jewelry," it meant that John owed \$50 for pornography, "Will you go by and pick up the checks," and so forth.

In it the actual operations were explained by Barnes to the police officer, how Saxton had him go ahead and print these "Maggie and Jiggs" books, and Barnes went ahead and did it. He admitted that he went ahead and produced it.

Mr. BOBO. When you speak of "Maggie and Jiggs" books, Mr. Chumbris, I think you should explain what a "Maggie and Jiggs" book is.

Mr. CHUMBRIS. Yes. I mentioned earlier, when I was explaining the different types of pornography, the "Maggie and Jiggs" books are two-by-fours, they are books 2 inches by 4 inches; they are also known as 8 pages, because it contained 8 thin pages. They are caricatures, they are cartoons. They usually take people from the comic strips, or famous movie stars, and they portray them in very lewd, perverted acts.

Chairman KEFAUVER. You are not getting us mixed up with Bud Fisher?

Mr. CHUMBRIS. No. That is very legitimate operation. Not only Maggie and Jiggs, but almost every known legal comic strip in the business, their characters are being stolen and placed into these filthy, lewd books.

Chairman KEFAUVER. Plagiarized, is that what you call it?

Mr. CHUMBRIS. That's right.

Chairman KEFAUVER. I think it would be well to get this letter and put it in the record, and let the press see it.

Mr. CHUMBRIS. Do you have any further questions on the Saxton case?

Chairman KEFAUVER. How long is this letter that you have?

Mr. CHUMBRIS. Well, the first letter is about a page long, and the questions and answers are approximately three pages long.

Chairman KEFAUVER. What are the questions and answers?

Mr. CHUMBRIS. That was the interview.

For instance, he says, "What is your full name?" This is the interrogation of the witness. And then he explained the full operation.

For instance—I may read part of it——

Mr. BOBO. Would you read the letter into the record?

Mr. CHUMBRIS. Yes. [Reading:]

DEAR BUD: Sorry you were not able to get over to the hospital before I left. Alice said that you and Margaret were over, and that you called last week. Do hope you and the family are all well. No doubt, I will have to return to the hospital and have my leg amputated; it is much worse, and nothing can be done here; it is a tough decision to have to make.

And I do believe that that means that he would like to get back into the business, when he is referring to a statement of that type.

Did want to ask you a few questions. You do not have to write and answer them, but I remember a few things that may help out in a business way. Did you ever get the color formula from Mr. Wilner? Believe he has to have it in a week or so, for you. How is your friend in Kinsman? You said you talked with him, and he wanted to get 4 of your \$8 size watches.

Mr. MARTIN (consultant to subcommittee). Mr. Chumbris, will you show the relationship between the reference to the \$8 watch and the corresponding information from his accomplice which established what he means?

Mr. CHUMBRIS. Yes. He says here, for instance, the next statement that he has—

How is your friend in Kinsman? You said you talked with him and he wanted to get 4 of your \$8 size watches. No doubt they will cost him \$30 each, but they are worth it.

Now, who is Kinsman, and what does he mean by "these watches" and the price? Kinsman is a man from Ohio, and as far as the watches, it means 8-millimeter film, movies, and the price is \$30 each. That's the way they go all the way through the letter.

Chairman KEFAUVER. Put the letter and the questions and answers into the record: let them be printed in the appendix and made part of the record. The letter is received.

(The information referred to was marked "Exhibit No. 6," and is as follows:)

FEBRUARY 3, 1953.

To: Mr. C. M. Barnes, 514 Cato Street, Pittsburgh, Pa.

DEAR BUD: Sorry you were not able to get over to the hospital before I left. Alice said that you and Margaret were over, and that you called last week. Do hope you and the family are all well. No doubt, I will have to return to the hospital and have my leg amputated; it is much worse, and nothing can be done here; it is a tough decision to have to make. Did want to ask you a few questions. You do not have to write and answer them, but I remembered a few

things that may help out in a business way. Did you ever get the color formula from Mr. Wilner? Believe he was to have it in a week or so for you. How is your friend in Kinsman? You said you talked with him, and he wanted to get 4 of your \$8-size watches. No doubt they will cost him \$30 each, but they are worth it. Did Ben ever drop around? Oh, I owe Nick \$17.50 in case he wants any jewelry. Have you seen Whitey lately? You should see him some evening when you go bowling. Pappy, no doubt, has not seen the advertising match display, or has he? Wish you would call Jonney, the bakery salesman, up, or Margaret could call. The best time is on a Saturday morning between 10:30 and 11. The name you have. He can use those five \$16 watches at \$30 plus the 2 special ones you have in the same size. He said he would need them. The specials I told him you wanted \$70 for the 2. Did your other friend collect that \$50 for the check that was returned? Should Margaret call Jonney this Saturday, have her tell him to give Alice the \$50 he owes me for perfume, as I need it for insurance payments; and he should pay Margaret for the watches he takes. Did your friend finish all the advertising matches, less what he spoiled? You should keep count of what you receive. You could pay him what is due when Jonney pays for the jewelry. Give Alice any balance due. By the way, I know that George, your pal in Murrys ville, was asking about you. I told him I would tell you. Would you write a letter to Mrs. Sofie Levy, 2992 Tinker Drive, Ocean-side, N. Y., and explain to her that I did not know about the insurance check until you advised me? Tell her that as soon as possible the amount will be sent you for the balance due on the fur coat. Also tell her it would not be advisable to come to Pittsburgh during the bad weather, but you will let her know. Hope you get to see your pal from Kinsman. Of course you could call him up. Keep Alice advised, but be sure and have Jonney leave the \$50 with her; and his 'phone number I believe you have. Should you be going out past Whitey's, tell Alice to give you two bottles of perfume to give to his wife. Say hello for me. Hope you understand everything. The fireworks display business should begin to book their orders soon. Sure could use a good year. Best wishes and regards to all of you, and get your match advertising finished and pay it off. Did you pay the bill at Shield's Rubber Co.. How's the car doing? You could look at the thermostat in Alice's car. It does not work. Also, the trunk door lock. Write me when you can.

Yours always,

LEW.

P. S.—Those 2 special watches I told him were \$70.

This is the statement of Clarence Meade Barnes, white, aged 42, of 514 Cato Street, Pittsburgh, Pa. It is taken in the office of Assistant Superintendent of Police Adam A. Geisler under the direct examination of Acting Lt. Allen Carnahan, the interrogator and James Patton, city detectives, Narcotic Squad. Also present in the room while the statement is being typed is Margaret Barnes, wife of Clarence Barnes. J. H. Gamble is the typist. Statement is begun at 4:05 p. m., February 23, 1953.

Q. What is your full name?—A. Clarence Meade Barnes.

Q. How old are you?—A. 42.

Q. Where do you live?—A. 514 Cato Street, Pittsburgh, Pa.

Q. Are you married or single?—A. Married.

Q. Are you employed?—A. Yes.

Q. Where?—A. Westinghouse Electric Corp., East Pittsburgh, Pa.

Q. Now, Clarence, do you understand that you are under arrest by this department charged with the manufacture, possession, and sale of obscene literature, pornographic pictures, obscene movies and books?—A. I know I'm here because I had that "junk."

Q. We are going to ask you to give us a statement concerning this charge against you. Before you give us this statement in your own words in answer to our questions, we wish to advise you of your rights. You will not be forced to say anything here, but what you do say may be used against you or for you at the time of your trial in a court of law. Do you understand this?—A. All right.

Q. We also wish to advise you that you have the right to secure legal counsel, an attorney, if you so desire. Do you understand this?—A. Yeah.

Q. And now that you understand what we are doing here and your rights have been explained to you, are you still willing to go along with us and to answer the questions in your own language that we may ask you?—A. That's right, I'm willing.

Q. Clarence, this obscene material that we confiscated from your home on Saturday, February 21, 1953; do you own that?—A. No.

Q. Who owns it?—A. Lew Saxton.

Q. I am going to show you Pittsburgh police photograph No. 12979 and ask you if you can identify that picture?—A. Yeah, that's Lew Saxton.

Q. How long have you known Saxton?—A. About 3 years, I think. I transacted business with him before he went to the vet's hospital at Aspinwall.

Q. How long have you had this obscene merchandise in your home?—A. Since about a week before Christmas of 1952.

Q. Explain in your own words how he contacted you.—A. By telephone from the vet's hospital to my home.

Q. Then did you go to the veteran's hospital to see him?—A. Twice.

Q. Explain your conversation there, and what he asked you to do in regards to this material.—A. He asked me to take it into my home and keep it there until he was released by the police. Also, to manufacture novelty named "Maggie and Jiggs" with no price given on manufacture. He said he would take care of me. That was the first visit, and on the second visit, he wanted me to manufacture of French Ticklers, still no price given.

Q. Did you agree to do this?—A. Yeah.

Q. When were these two visits that you made to the hospital?—A. Thanksgiving Day, and one, 2 weeks later.

Q. Did he give you any of the material at that time?—A. No.

Q. When was this material delivered to your home?—A. Johnny, the baker, brought it on a Saturday, the first part of December.

Q. He brought all of the stuff, Johnny, the baker brought all of the merchandise?—A. No; he didn't bring all of the stuff, he brought the stuff for the French Ticklers, the rubbers; for the rubbers.

Q. Who is this Johnny, the baker, and do you know what his telephone number is?—A. No; I don't know his last name, all I know him by is Johnny.

Q. Do you know where Johnny got this rubber for the French Ticklers that he brought to you?—A. From Lew Saxton at the vet's hospital.

Q. Was this cut up in small pieces?—A. All ready cut; ready to assemble.

Q. Who else brought obscene material to your home?—A. His first name is Jack; that's all I know him by.

Q. Anyone else that you can name that brought this type of material into your home?—A. Just that Mr. Levy.

Q. Do you know where he lives?—A. Yes.

Q. Where?—A. Oceanside, N. Y.

Q. What did he bring to your home?—A. Cartoons, movies, cards, French Ticklers, obscene pictures.

Q. Did you pay for any of this material?—A. No.

Q. Did Saxton tell you what you were to do with it?—A. Hold it, and he would call me when somebody was to pick up.

Q. Did you ever collect any money for any of this material?—A. \$12, I think it was.

Q. From who?—A. I don't remember.

Q. Did anybody pick any of this stuff up at your home?—A. Yes, Johnny, the baker salesman.

Q. Did you receive a letter from Lew Saxton from the Allegheny County Workhouse dated February 3, 1953?—A. Yes.

Q. I am going to ask you some questions about this letter; first one thing (is this a copy of that letter you received)?—A. Yes.

Q. Clarence, in one statement in this letter it says, "Did you ever get the color formula from Mr. Wilner, believe he was to have it in a week or so for you"; what did Saxton mean by "color formula"?—A. When ticklers are finished, they are dipped into a color so that the end of the tickler is whatever color you want it. That was what he meant.

Q. The next statement that he has he says, "How is your friend Kinsman, you said you talked with him, and he wanted to get 4 of your \$8 size watches, no doubt they will cost him \$30 each, but they are worth it." Now, who is Kinsman, and what does he mean by these watches and the price?—A. Kinsman is a man from Ohio; as for watches, it means 8-mm movies (millimeter). The price is \$30 each.

Q. Are these obscene movies?—A. Yes.

Q. Did Kinsman get these movies?—A. No.

Q. The next sentence in the letter, Saxton asks, "Did Ben ever drop around?"; who is Ben, and did he ever drop around; did you ever sell him anything?—A. He's the individual who delivered rubbers to be manufactured into ticklers to my home. He never dropped around! I never sold him anything.

Q. Do you know Ben's last name?—A. No.

Q. The next statement, "Oh, I owe Nick \$17.50, in case he wants any jewelry"; who is Nick?—A. I don't know the last name; he lives in the Turtle Creek Valley; I have his telephone number at home.

Q. What does Saxton mean that he "owes Nick \$17.50 in case he wants any jewelry"?—A. Referring to jewelry means merchandise of obscene material.

Q. Did you give Nick any obscene pictures?—A. Yeah.

Q. Approximately when?—A. February 3, 1953.

Q. How much merchandise did he receive from you?—A. About \$17.50 plus about \$6.50 more which he said he would pay later.

Q. Did you do any business with a man named Whitey that Saxton mentions in his letter?—A. I went to see him at the gasoline station on Route 22; it's called Gravity Fill; about 6 miles past Wilkinsburg, past the Turnway Inn.

Q. Did you sell Whitey any merchandise?—A. Cards and matches—

Q. By matches, you mean obscene matches?—A. Obscene matches, the same with the cards.

Q. The next statement in Saxton's letter says, "Papy, no doubt, has not seen the advertising match display, or has he?"; who is Papy, and where does he live?—A. I think he owns a bar in East Pittsburgh.

Q. What does Saxton mean by the "advertising match display"?—A. He means matches with obscene pictures on them.

Q. Where did you get these matches?—A. Were delivered to my home by a fellow named Jack.

Q. Did you collect any money from Whitey for matches?—A. Yes; about \$20; was used to pay Jack for matches.

Q. Did you order these matches made up, or did Saxton?—A. Saxton.

Q. The next statement in Saxton's letter states: "wish you would call Johnny the bakery salesman up, the best time is in the morning between 10:30 and 11:00; the name you have he can use those five \$16 watches at \$30 plus the 2 special ones you have in the same size"; will you explain that statement in your own words?—A. Did not contact Johnny. In regards to five \$16 watches means, 16-mm. movies; that's obscene movies; 2 specials is the same thing.

Q. Next Saxton says: "Did your other friend collect that \$50 for the check that was returned," what does he mean by this in this statement?—The \$50 was for merchandise received; the check bounced, but he finally made it good.

Q. Who was the check from; who signed the check?—A. I don't know his name.

Q. The next statement in the letter says: "Should Margaret call Johnny this Saturday, have her tell him to give Alice the \$50 he owes me for perfume as I need it for insurance payments, and he should pay Margaret for the watches he takes"; what does he mean by this statement?—A. In the first place, Margaret didn't make any contact with him. \$50 means price of merchandise received from Mr. Saxton.

Q. Next he says: "Did your friend finish all the advertising matches less what he spoiled, you should keep count of what you receive, you could pay him what is due when Johnny pays for the jewelry, give Alice any balance due"; Clarence explain that statement?—A. The advertising matches are not finished; in the second place, Johnny did not buy.

Q. Who is Alice, and where does she live?—A. Alice is Lew Saxton's girl friend; lives on Homewood Avenue.

Q. Does she handle any obscene material?—A. No.

Q. The next statement: "I know that your pal George in Murrysville was asking about you. I told him I would tell you"; who is George, and what is his connection with this ring?—A. George was a possible buyer but did not buy any merchandise.

Q. Did you try to sell him some merchandise?—A. Yeah, Lew sent me out there.

Q. Now the next statement: "Would write a letter to Mrs. Sofie Levy, 2992 Tincker Drive, Oceanside, N. Y., and explain to her what I did not know about the insurance check until you advised me; tell her that as soon as possible, the amount will be sent you for the balance due on the fur coat"; Clarence, will you explain what Saxton means by this statement?—A. I wrote a letter explaining that Lew did not know the insurance check was no good; that he would pay the amount as soon as possible plus the balance.

Q. What does he mean by the fur coat?—A. Obscene merchandise.

Q. He further states in the letter to "tell Mrs. Levy it would not be advisable to come to Pittsburgh during the bad weather, but you will let her know"; what does Saxton mean by that?—A. He (Lew Saxton) could not contact Levy here in Pittsburgh.

Q. He next says: "should you be going out past Whitey's, tell Alice to give you two bottle of perfume to give to his wife"; what does he mean by this statement?—A. I suppose he actually means perfume there; I didn't stop at Alice's at all.

Q. Have you ever taken any money to Lew Saxton?—A. No.

Q. Is there anything that you can add to this statement?—A. [None.]

Q. Clarence, after you and your wife have had an opportunity to read this statement over, and if you find that it is true to the best of your knowledge, are you willing to sign it and to swear that you have told the truth?—A. Yeah.

Q. Have you been treated properly by Superintendent Geisler and the officers in the detective division of the Pittsburgh Police Department?—A. —Very true.

Q. And the answers to the questions have been typed just as you have given them and are your own words, is that right?—A. Right, it is correct.

(Signed) CLARENCE M. BARNES, JR.

This statement has been read by the deponent, Clarence Meade Barnes, after which, it was sworn and subscribed to before me, the undersigned authority on this 23d day of February, 1953.

HECTOR R. MARIANI,
Notary Public.

ALLEN CARNAHAN,
Witness.

JAMES PATTON,
Witness.

MRS. C. M. BARNES, JR.,
Witness.

ADDED INFORMATION, 6:03 P. M., FEBRUARY 23, 1953, VOLUNTEERED BY BARNES

On Thanksgiving Day, received \$40. and some odd cents from Lew Saxton to pay for a punch press for assembling "Maggie & Jiggs." Press purchased from Star Stapling & Products Company, 929 Fifth Avenue, Pittsburgh. There was also 2,000 eyelets on the order received for the above amount. Press ordered by Lew Saxton, picked up be me.

(This additional information typed hereon by J. H. Gamble, Stenographer.)

(Signed) J. H. GAMBLE.

[SEAL]

H. R. MARIANA.
(Signed) J. H. GAMBLE,
Stenographer.

Chairman KEFAUVER. Go ahead, Mr. Chumbris.

Mr. CHUMBRIS. In conclusion, I would like to summarize, since the subcommittee has started its investigations and has had a certain amount of pornographic discussion at some of the community hearings throughout the country, we have been able to accomplish certain, what I think, are successful results.

For instance, as I explained earlier, in working with the Houston police, that big raid of the Southwest distributor was made. As I mentioned earlier, the North Dakota statute was changed to give it one of the most—

Mr. BOBO. Will you let me ask you there. Are you speaking of the Police Department of Houston, Tex., or the Sheriff's Department of Houston County, Tex.?

Mr. CHUMBRIS. It was the Sheriff's Department of Houston County, Tex.

And the North Dakota statute was changed as I stated.

Further, on one of the trips that I was making on this pornographic investigation, in Michigan a grand jury went into the question of pornographic literature. I went over and talked to the district attorney and to the district judge there, explained to him what we were trying to do. They gave us all of the cooperation that we could possibly expect. They gave us a full report of their findings.

In many areas, civic and religious organizations united to conduct cleanup campaigns, to clean up this pornographic mess that has been sweeping throughout the country, not only the dirty, lewd pornography that we are talking about today, but they are also attacking the borderline pornography, and some of the pinup magazines that are found on the newsstands, especially those around the schools and the churches.

Chairman KEFAUVER. Mr. Chumbris, two questions.

In your survey and the returns you have gotten from the police chiefs is there any question about that pornography among juveniles—and that is what we are concerned with here—that it does have a degrading effect, leading to the marring of the lives of many of our young people, and also increasing the amount of juvenile and criminal activity among children?

Mr. CHUMBRIS. There is no question about it. I think that practically—

Chairman KEFAUVER. Is that the concensus of all the police chiefs?

Mr. CHUMBRIS. Every one of them. They even went so far as to say that this is one filthy mess that has got to be cleaned up, and that's why they are so anxious about more stringent laws and more severe punishment, because most of them will say, "I don't want my children to run into any of this."

Chairman KEFAUVER. Is it also the result of your inquiries to show that as the extent of the distribution of pornography among the juveniles increases in a given section, you have a corresponding increase in delinquency and sex crimes?

Mr. CHUMBRIS. That's correct; absolutely.

Chairman KEFAUVER. Along the same line as set forth by Mr. Hoover on a national scale?

Mr. CHUMBRIS. That's correct.

Chairman KEFAUVER. Now, sir, can you give us any estimate—before that. Does your investigation show that over the last few years the publication and the distribution of pornography among children, teen-agers, has been substantially on the increase?

Mr. CHUMBRIS. From the information that I have received there is a definite increase of pornography going to children, and there is a definite increase of pornography that is being distributed throughout the United States. And they are bringing in a new type of pornography.

Some people are remarking about the number of pornographic records, pornographic phonograph records spreading out throughout the country.

Chairman KEFAUVER. And this is in all parts of the United States, even Tennessee I believe you said?

Mr. CHUMBRIS. That's correct. I believe we have another chart there, the Baltimore, the Houston, and the one from the South.

Chairman KEFAUVER. Finally, sir, can you give any estimate of the size of this business?

Mr. CHUMBRIS. Well, the one in Baltimore—this will portray the size. If I may mention it from here [indicating], this is a point where it started. One shipment—

Chairman KEFAUVER. That is Baltimore?

Mr. CHUMBRIS. That's right. And all of these big blocks indicate where this shipment went by railway express. The total value of just

one shipment was \$30,000 declared value, with an estimated retail value of \$250,000. Mind you, that's just one shipment that that man made.

Mr. BOBO. Isn't that 291 railway express shipments, Mr. Chumbris?

Mr. CHUMBRIS. Yes.

Mr. MARTIN. I think, Mr. Chumbris, what you want to say is that these are shipments from just one source.

Mr. CHUMBRIS. That's correct. From the Baltimore source.

Chairman KEFAUVER. This fellow got convicted the other day, did he not?

Mr. CHUMBRIS. He was convicted in Federal court in Baltimore.

Chairman KEFAUVER. What is his name? I think this is an interesting case; we ought to have some description of it later on. Are you, or will somebody else describe what happened in this Baltimore case?

Mr. CHUMBRIS. Yes. Well, we will have the assistant United States attorney who will be here; and we have policemen, the inspector from Washington, and Sergeant Brown from the Detroit Police Department, who will give specific cities and the operations from those cities.

This [exhibiting] is a picture as it was taken of these packages as they were impounded, with the addresses where they are going. And the different value is illustrated that was declared for the various shipments.

Mr. MARTIN. Mr. Chumbris, this photograph, as I understand it, represents one of the 291 shipments?

Mr. CHUMBRIS. That's correct.

Chairman KEFAUVER. And one of the 291 shipments apparently has 87,960 pieces of pornography.

Mr. CHUMBRIS. That's right.

Photograph of seizures by the United States Government of 87,960 pieces of pornography—

Chairman KEFAUVER. These pictures and charts will all be made exhibits in the record.

Go ahead, sir.

Mr. BOBO. Mr. Chumbris, have you received any information as to the size or the volume, dollarwise, outside of this one case here, as to what this traffic might be throughout the United States?

Mr. CHUMBRIS. Well, I have asked that question and because of the fact that—let me answer it first with one illustration.

We asked the customs officials—

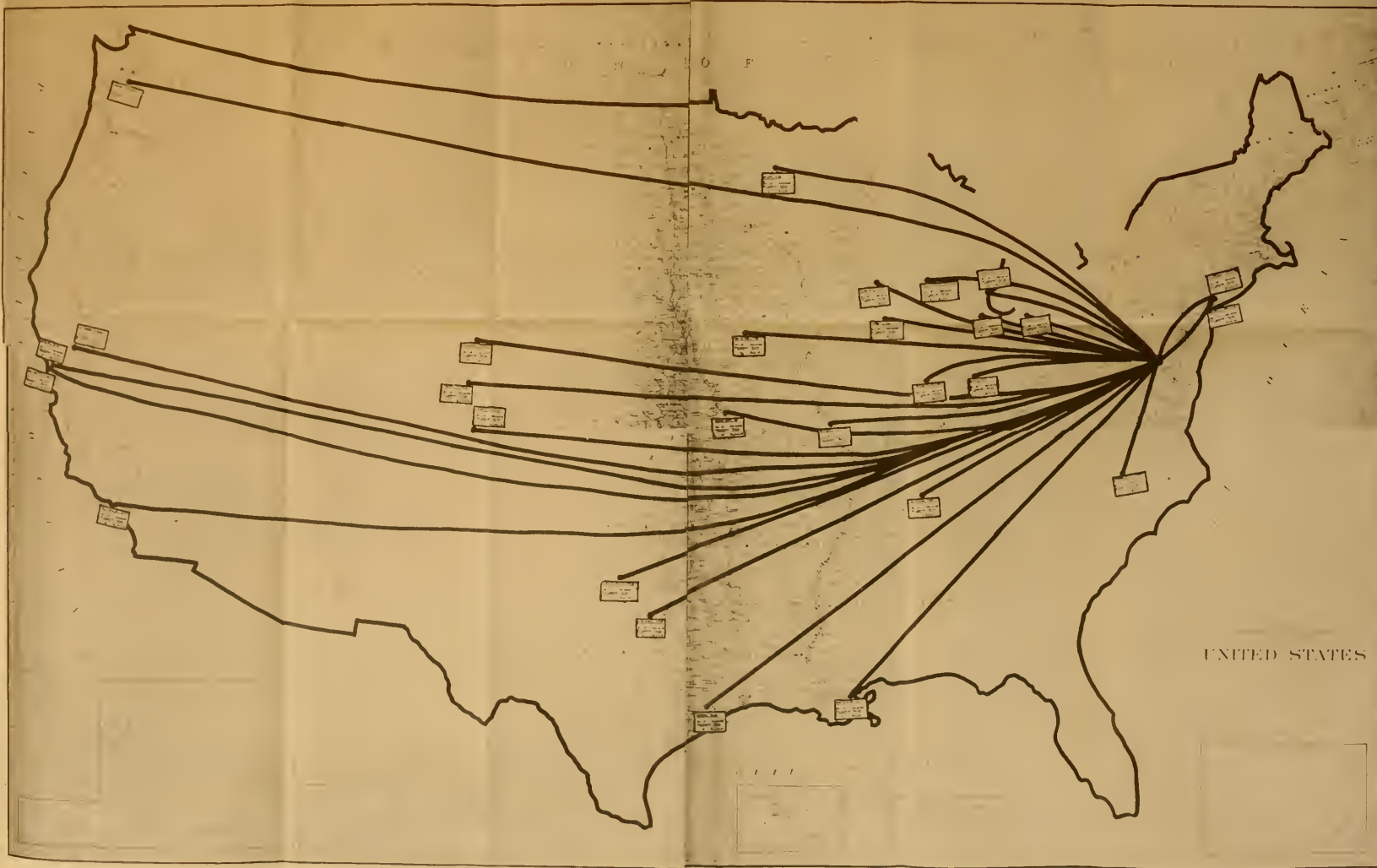
Chairman KEFAUVER. They will be here to testify?

Mr. CHUMBRIS. Yes, sir. We asked them a question, how much comes into the United States? And they said that, "We are only able to ascertain or get hold of 5 percent of the traffic." So 95 percent gets by them.

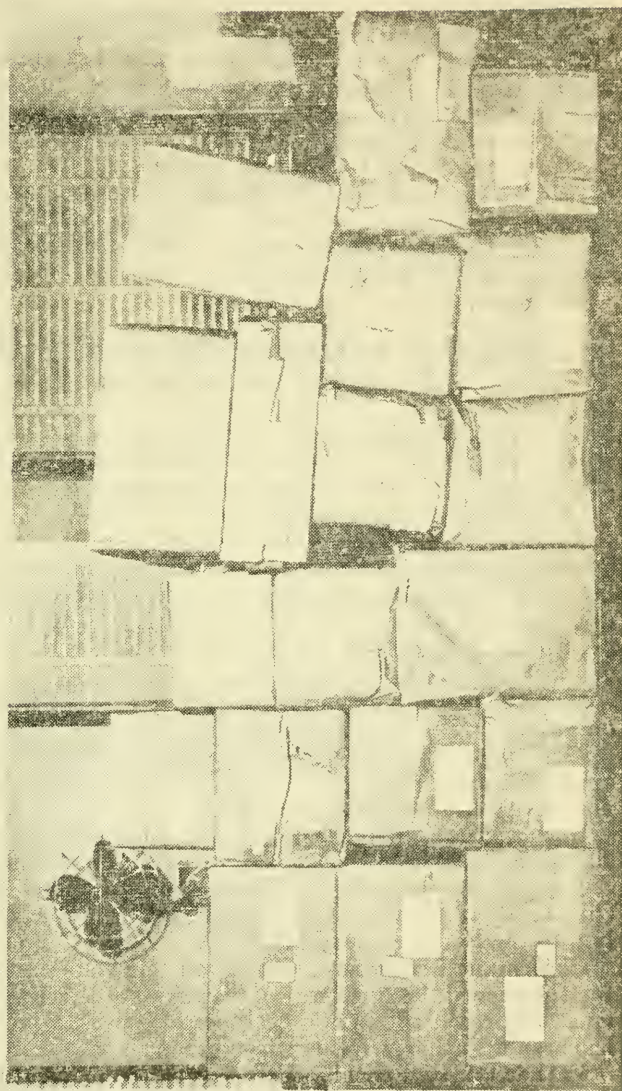
The same thing can be applied to the various police departments. They can't possibly estimate at this particular time, I don't think a complete survey has been made or might not be able to be made because of the fact that it is just getting so gigantic, and every day we are running into distributors like Soloday, for instance, who has a \$250,000 retail value from just that one outlet.

Chairman KEFAUVER. Now, will some witness other than you describe the fact that from the United States is shipped a lot of pornog-

OPERATION "SOLODAY"
291 RAILWAY EXPRESS SHIPMENTS IN 1953
C.O.D. OR DECLARED VALUE-- \$30,000.00
RETAIL VALUE-- \$250,000.00



PHOTOGRAPH OF SEIZURES BY U.S. GOVERNMENT OF 87,960 PIECES OF PORNOGRAPHY. NUDES AND BONDAGE PHOTOS OF WOMEN. SHIPMENTS WERE MADE TWICE A WEEK FROM BALTIMORE TO 45 OR MORE OUTLETS IN THE U.S. BY "SOLODAY", BALTIMORE, MD. RETAIL TRAFFIC OF "SOLODAY" SENT BY AMERICAN EXPRESS C.O.D. AMOUNTED TO APPROXIMATELY A QUARTER OF A MILLION DOLLARS A YEAR. "SOLODAY" IS NOT THE LARGEST DISTRIBUTOR.



raphy to other countries, and from other countries a lot is shipped to us?

MR. CHUMBRIS. Yes. That will be taken care of by one of our other witnesses.

Chairman KEFAUVER. Very well. Is there anything else?

Senator Langer, do you have any questions to ask Mr. Chambris?

Senator LANGER. Mr. Witness, what is a bondage photo?

MR. CHUMBRIS. A bondage photo are these photos where the girl wears very little clothing, practically nude, and usually their hands and their legs are bound together either by chain or by rope, and they are known as bondage photos.

Senator LANGER. I inquired because you say "nudes and bondage photos." I never heard that term used before. I thank you. That's all, Mr. Chairman.

Chairman KEFAUVER. Thank you, Mr. Chumbris.

Our next witness, Mr. Bobo.

MR. BOBO. Father Daniel Egan.

STATEMENT OF FATHER DANIEL EGAN, FRANCISCAN PRIEST, GRAYMOOR, GARRISON, N. Y.

Chairman KEFAUVER. No one can ever question your veracity, but if you mention any names I think I should place you under oath.

FATHER EGAN. I won't mention any names.

Chairman KEFAUVER. Very well.

FATHER EGAN, it is a pleasure for the chairman to see you again. I know over the course of a long time your interest in the young boys and young people, especially with the problem with which we are dealing here today. We are grateful to you for coming here and giving us the benefit of your experience and findings on this important problem affecting our children.

MR. BOBO, do you want to ask Father Egan any preliminary questions?

MR. BOBO. Yes. I would like to ask Father Egan briefly some questions, describing your work, Father, that you had and the contact you have with the young people.

FATHER EGAN. I am a priest, ordained just 10 years. In the past 10 years I have been specializing in high school and teen-age missions.

During the course of a year I might travel from Louisville to Cincinnati, to Cleveland, to Detroit, to Rochester, to Boston, to Brooklyn, to the South, to city after city. Today I go to Boston.

Chairman KEFAUVER. Before you tell your experiences, Mr. Bobo, for the record, because we can always see the Father, but the record must be presented. Let's get how old he is, who he is, how long he has been a Father, what his assignment is.

FATHER EGAN. I will be 41 this year. I am ordained 10½ years.

MR. BOBO. In what order are you ordained?

FATHER EGAN. I am a Franciscan, from a monastery at Graymoor, Garrison, N. Y.

MR. BOBO. And how long have you been ordained?

FATHER EGAN. 10½ years.

I am on what we call a mission bend, and we go from city to city giving missions; some of our Fathers go to the foreign missions.

MR. BOBO. And your full name?

Father EGAN. Father Daniel Egan.

Mr. BOBO. Now, Father Egan, would you tell us some of the things of which——

Chairman KEFAUVER. Is this a special work that you are designated to do, Father Egan? Will you give us the background of your assignment and what you have undertaken?

Father EGAN. I received requests from various cities to conduct high school retreats in Catholic schools, and also to go to cities that do not have Catholic high schools and conduct teen-age missions in the evening for Catholic students who go to public schools, and many Protestants and Jewish children, and teen-agers attend as well; they are all mixed up.

So I, well I get the kids in the church for an hour and 10 minutes every evening, and I talk to them about their problems. During the course of the week's mission their problem does come up. In talking to me on the streets, or on the corners, the problem of the pornographic literature is increasing.

Mr. BOBO. Father Egan, would you tell us where you have been, in what cities you have been, and how many years you have been doing this?

Father EGAN. I have been in teen-age missions in Louisville, Cincinnati, Cleveland, Rochester, Boston, Washington, Brooklyn—well, too numerous to mention in 10 years.

Since February I have been in Cleveland, Washington, Boston, Jersey, up in Cornell University—well, cities like this.

Mr. BOBO. And in the cities do you hold youth meetings?

Father EGAN. Throw-aways are given out in the public high schools a week or two beforehand announcing a teen-age mission.

All your problems are frankly discussed. God's point of view with regard to your troubles.

Then the kids come sometimes; in Springfield last year we had 1,200 kids every night; the following week 1,600 kids every night. And these were by and large 75, 85 percent of them public high school kids.

Chairman KEFAUVER. I did not understand how many you said you would have every night.

Father EGAN. It would vary with the city, Senator. In Springfield we had 1,200 every night. In the following week in Holyoke we had 1,600 every night.

Starting tonight up in Gardiner, Mass., there will be a series of teen talks. I don't know how many to expect.

Mr. BOBO. After you have had these talks with them, and you have talked to them, do they then come to you for counseling?

Father EGAN. Yes. So naturally from here on in, if you ask me any questions, since I am a professional man, I will say that I have encountered this literature in a Midwest city, in a Northern city, or in a Southern city, unless you demand that I specify the city. Would it do any good if I mentioned the name of the city?

Chairman KEFAUVER. Sure. Tell where you found it.

Mr. BOBO. I think if you would tell us the city where you found it, it would show the interstate traffic in this material, Father.

Father EGAN. Since February I have seen this pornographic literature in Cleveland, Washington, and in New York City. I have seen it, looked at it. The kids brought it to me.

Mr. BOBO. You speak of pornographic literature. Of what type are you speaking now, Father?

Father EGAN. I do not mean the magazines that are very lurid and filthy and sexy that can be bought on newsstands. I rather mean the type of literature that might be printed as this [indicating], and then circulated through high schools, sold to a kid on the corner, or just sold to them any place.

Mr. BOBO. You mentioned that you have seen this in this city. Have you seen it in the hands of teen-agers or younger?

Father EGAN. Yes. In one city I was conducting, I usually conduct a parent night to arouse a public indignation against this condition, to get the parents aware of it. Most of them are not aware of it. So, in this particular city, I asked 2 of the boys, 15 years of age, would they go out and buy me some real filthy literature. They said, "What kind do you want?"

I said, "Real filthy."

They said, "How much money do you want to spend?"

I had a \$5 bill with me. I gave it to them. Inside of an hour they brought back some of the material I sent back to your office.

Mr. BOBO. In the city of Washington, was that where this particular thing happened?

Father EGAN. No; this was in Cleveland.

I mean now by pornographic literature, the specific kind that shows in a degrading way, and in unnatural ways the act of sex relations.

Mr. BOBO. Father, in traveling around the country you have become acquainted with college campuses. Have you known on these campuses of the showing of pornographic stag party films?

Father EGAN. At fraternity houses, I know that they are shown to just stag parties.

Mr. BOBO. Would you say this was very widespread among the high schools and colleges? I am speaking now of the films.

Father EGAN. I am not in a position to say; I do not work too frequently on the college level.

Mr. BOBO. Among high-school children, has it ever come to your attention that they have viewed these?

Father EGAN. I have heard it on many occasions when a teen-ager will go baby sitting, that while there they will be shown or they will see some of this pornographic film material that you speak about.

Mr. BOBO. Could you give us, Father Egan, in your opinion, what the effect of this pornographic material is upon a young mind?

Father EGAN. We speak a great deal at the present moment about the blackboard jungles. Emotional problems in high school. And yet there are some people that would like to tell us that there is nothing wrong with stealing. The God-given pleasures of sex, outside of marriage. Still, when a kid does do it, he does experience—and this is something God is responsible for—they do experience a guilt complex. This guilt complex, I am certain, is reflected in the emotional problems they reveal in the classroom. These pornographic materials are bound to produce in the lives of the teen-agers acts of masturbation, acts of self-abuse, acts of unnatural things between fellows and girls, and this is shown up, then, in the sense of guilt, and that reveals itself in emotional problems in the classrooms.

The teachers in the public high schools, God bless them, they are doing a wonderful job with the problems that they have, but they are treating a symptom over here, and the real cause is over here.

You were speaking a short while ago about the penalties for this——

Mr. BOBO. May I ask you this: When you are speaking of a symptom over here and a cause over there, to what are you referring?

Father EGAN. They are treating the emotional symptoms of filthy language on the walls and on the toilets, and they are treating the emotional problems of disbehavior, or fighting and gang instincts in the schools, but this may be a mere symptom of something deeper away over here, that when a boy or a girl is possessed with a sense of guilt, that they are committing acts of impurity alone or with others, it is revealed then in these other things, and they are creating this thing, but the real cause is over here.

This deluge of filth is sweeping over the country and is having its effect in other things. I am convinced of this.

No normal teen-ager today could look at this unless he has ice water in his veins. If he has real blood he couldn't possibly look at this without showing some effect in other ways.

Mr. BOBO. You think of the normal teen-ager only the emotional disturbed teen-ager; do you think it would be possible by looking at some of the material which has come into your hands that he might thereby be stirred up to go out and commit a sex crime against a fellow playmate, boy or girl?

Father EGAN. I am certain of it. A boy looks at this, shows it to his girl friend. They go to a show together, a movie, and things are bound to happen.

Mr. BOBO. Do you think that among the sexually uneducated children who are inquisitive, as most of them are about sex, that this might tend to make him think this is normal sex, pictures of which we have here, if he had no other outside instruction from either the home, school, or church?

Father EGAN. I agree with you very much, that if he is sexually uneducated, if he has not been taught to see the sanctity and the dignity and the holiness of sex from God's point of view, if they see this early in life, they do think it is a normal thing.

Chairman KEFAUVER. Father Egan, you have now been 10 years in all these cities doing this wonderful work, giving youth guidances. This filth that is flooding the country now, all over the country, is it on the increase among children?

Father EGAN. The mere fact that I have encountered in the last 3 months what I have not encountered before would prove to me that it is definitely on the increase in many various forms.

A little kid showed me recently a magazine you can buy at the corner now, and inserted in the top of it are these colored glasses that you can look at a picture and you see a picture now in triple dimensions. Like when you go to the movies—I haven't been to a movie in a couple of years—but you go to some movies, I understand, you look through some glasses, I understand, and you see the thing in triple dimensions. Now they sell them at the corner, so that you look at the art magazines, and with these glasses you can see them in triple dimensions.

Kids, I know, numerous cases of some of the modern magazines that you can't class legally as pornographic material, and yet while the

man is mixing a coke, they can rip out these nude pictures in magazines like, here I will mention—well, under some of the magazines they can rip it out and circulate it through a school, and that one picture can be responsible for more emotional problems that way than anything else.

Mr. BOBO. You are speaking now of magazines that are sold upon the newsstand, and the effect that they might have but not of—previous to this you were speaking of pornography?

Father EGAN. I was speaking of pornography; yes.

Mr. Kefauver, I don't think that the average person is aware of this 1 fact, that whereas if a man were to sell 1 teen-ager 1 marihuana, that marihuana will affect this 1 teen-ager. We can see the effects of that in his life. But 1 piece of this pornographic material allowed to circulate through 1 classroom or 1 school can do harm that we can't estimate. And I speak under correction, but I understand there is some suggestion of making it life imprisonment for anyone who is importing heroin or marijuana as in vast numbers. Why couldn't you make it even more severe, 7 years, for a man who is importing and producing this, he is corrupting, he is rotting at the very roots of our Nation. Communism will never defeat America; it is something within the Nation that is going to rot and corrupt it; and there should be a more stringent law than just 2 or 3 years, or 7 years.

Chairman KEFAUVER. You think that this pornographic literature is having a substantial effect upon that degrading process?

Father EGAN. Positively, Senator.

Chairman KEFAUVER. I was amazed, Father Egan, one day you came to my office, and I will always remember. You said you had just been around on the streets of Washington and you picked up a whole bundle of this, not art magazines but pure filth, in the Nation's Capital, and you brought it in and gave it to me.

Father EGAN. Yes.

Chairman KEFAUVER. That is the kind of thing we are finding in increasing amounts all over the country.

Father EGAN. Yes.

Chairman KEFAUVER. Senator Langer?

Senator LANGER. No questions. Thank you.

Chairman KEFAUVER. Mr. Bobo, anything else?

Mr. BOBO. Father Egan, does this make generally the entire social ground, I mean from the low social, economic group up to the very highest? Where would you say it was most prevalent?

Father EGAN. I don't work very often with the higher social strata.

Mr. BOBO. So your working is within the great middle group where this stuff is striking?

Father EGAN. I talked to numerous girls who have posed for these pictures.

Chairman KEFAUVER. Teenagers, kids?

Father EGAN. Kids who would be playing to and from school. They might be down at the corner having a coke, or they might be at a show, and someone will glide up to them and convince them that they are photogenic, or they would look pretty in a picture, and give them \$5 or \$10, and from that one negative they will produce many others.

Chairman KEFAUVER. What did you start to say, sir?

Father EGAN. I will finish this, Senator, by saying that it is my convinced opinion that if we are going to do anything about this, it is something far deeper, and even though we increase the number of playgrounds, even though we increase the number of policemen, even though we increase everything else, this will never remove the danger of this, unless we find the cause of it all.

Today, if you were to release in the classroom some cold germs, teenagers who are physically weak will be more susceptible to the germs; strong, healthy kids will not be contaminated by the cold germs.

Today teenagers are becoming susceptible to all this filth, not because there is really more of it, I don't think—maybe it is on the increase, I am not prepared to say that definitely—but the kids today are so spiritually sick, they don't know the laws of God, they don't know why they should be good, they don't know the sanctity of sex, and because of this they are susceptible to all these germs.

If we are going to do anything about it, it won't be just sufficient to clear this up. I have seen this when I—I went to public high school in New York, and this stuff has no effect on some kids. Because they knew about God, they knew about the Ten Commandments, which are common to every kid, and unless they know this, unless they know the Commandments, unless they know why they should be good, then there is no sense just clearing up the newsstands or increasing the police force.

Chairman KEFAUVER. Father Egan, in your testimony you have mentioned some specific cities where you found this material. I wouldn't want your testimony, or your reference to those particular cities to make it appear that they are different or any worse than many, many others. The fact is, some of them may be better.

I mentioned the fact that you have found some material in the Nation's Capital. I think you may also be aware of the tremendous effort that is being made by the Washington police force, and many groups in Washington, and they have been quite effective in the recent months and in the recent years in cleaning up this pornography and filth for which we commend them.

So that I don't want, I know you don't want your testimony to be singling out one place as a bad example.

Father EGAN. Certainly not, Senator.

Chairman KEFAUVER. And I don't want to do that either. I do want to commend some of these places where you have mentioned. Here in New York there have been some good efforts made. There have been some fine efforts made in Washington. They are still on the alert. I hope that we can all do better with the problem, however.

All right, Father Egan, thank you very much. Our best wishes in your continued work with the young people of our Nation.

Father EGAN. Thank you, Senator.

Chairman KEFAUVER. We will have a 5-minute recess.

(Short recess taken.)

Chairman KEFAUVER. The subcommittee will come to order. Everybody have a seat, please.

The subcommittee is glad to have James A. Fitzpatrick, a member of the assembly. He has made an investigation of this problem, and has sponsored some legislation in connection with it.

For the benefit of any witnesses who were not here when we started, anyone who is called and feels that the lights and movie cameras and television discommodes them, or they would be embarrassed, will not be required to testify before TV or the cameras, if they will let the staff of the subcommittee know. We appreciate the cooperation of the television and movie people in this connection.

Mr. Bobo, who is our next witness?

Mr. BOBO. We have subpoenaed a number of witnesses to appear before this subcommittee either today, tomorrow or the following day; and we have asked for the books and records of these individuals to be produced today.

I will ask Mr. Martin now to call the names of these individuals.

Chairman KEFAUVER. Mr. Bobo, it is apparent we are not going to get all these witnesses today; and if you could tell the witnesses when to come back, we might save them some time.

All right, Mr. Martin.

Mr. MARTIN. Abraham Rubenstein.

Chairman KEFAUVER. Is Mr. Rubenstein here? The fact any witness' name has been called doesn't mean he is in the pornographic business. We have some witnesses who will testify as experts.

We have had some charts made. As Mr. Chumbris said, we are happy to state this has been exposed. Prosecutions have been brought, and the operation shown on that chart no longer exists by virtue of the police department and public officials of Baltimore.

Mr. Deerson is our next witness. Mr. Deerson, will you come around? Mr. Deerson, no one questions your veracity, but it is possible that you might mention someone's name, so if you have no objection I would like to swear you.

TESTIMONY OF WILLIAM DEERSON, DEAN OF DISCIPLINE, HAAREN HIGH SCHOOL, NEW YORK, N. Y.

(William Deerson was duly sworn.)

Chairman KEFAUVER. Mr. Bobo, let us qualify Mr. Deerson—who he is.

Mr. BOBO. Will you state your full name and address for the record?

Mr. DEERSON. My name is William Deerson. I am the dean of a New York city high school.

Mr. BOBO. What high school is that?

Mr. DEERSON. Haaren High School, New York City.

Mr. BOBO. And the address of that?

Mr. DEERSON. Eight hundred and ninety-nine 10th Avenue. I am also employed as the director of recreational activities at the Jewish Settlement House, at 128 Stanton Street, New York City.

Mr. BOBO. For how many years have you been dean of discipline at the Haaren High School?

Mr. DEERSON. One year.

Mr. BOBO. Previous to that time what was your position?

Mr. DEERSON. Teacher of health education in that particular school.

Mr. BOBO. For how long were you teacher of health education in that school?

Mr. DEERSON. For 12 years.

Mr. BOBO. And your local address is what?

Mr. DEERSON. 2555 Bainbridge Avenue, Bronx, N. Y.

Mr. BOBO. For how long have you been a school teacher?

Mr. DEERSON. Since 1934.

Mr. BOBO. Has all that time been in the city of New York?

Mr. DEERSON. Yes, sir.

Chairman KEFAUVER. You are also employed by the Jewish Settlement House on the East Side, located at 128 Stanton Street; is that correct?

Mr. DEERSON. That is correct.

Chairman KEFAUVER. You are employed there in what capacity?

Mr. DEERSON. Director of recreational activities and physical activities.

Chairman KEFAUVER. How long have you been so employed?

Mr. DEERSON. 12 years.

Chairman KEFAUVER. In your two positions do you come in contact with a very large number of school children?

Mr. DEERSON. Yes, I do.

Chairman KEFAUVER. And you have a chance to observe them, and talk with them, and see what influences them for the good or the bad?

Mr. DEERSON. Yes, sir.

Chairman KEFAUVER. See what they are reading, and what is influencing their minds?

Mr. DEERSON. That is right.

Chairman KEFAUVER. Very well, proceed, Mr. Bobo.

Mr. BOBO. How many students are at Haaren High School?

Mr. DEERSON. About 2,000 boys.

Mr. BOBO. As dean of discipline is it your position to deal with wayward acts and delinquent acts of children in the school?

Mr. DEERSON. That is correct.

Mr. BOBO. Misbehavior problems within the school?

Mr. DEERSON. That is correct.

Mr. BOBO. Has it come to your attention, Mr. Deerson, that any of the students of the high school, Haaren High School, have come in contact with or had in their possession any pornographic materials of any types?

Mr. DEERSON. Yes, they have.

Mr. BOBO. Would you say to what extent?

Mr. DEERSON. Well, recently I noticed that quite a few boys have been passing theses booklets around among the other boys. Some have been selling them. It seems that some boys purchase a booklet, and after they have seen it and passed it around they may sell it to another boy at a profit.

Mr. BOBO. Would you describe what these booklets are that you are speaking of?

Mr. DEERSON. The booklets are the severe filthy type of pornographic material, unnatural perverted types of sex acts.

Chairman KEFAUVER. You are not talking about art magazines?

Mr. DEERSON. No, I am not.

Mr. BOBO. You are speaking of what is commonly referred to as the 2-by-4 book and 4-by-5-type book that is sold—photographic pictures along with a printed story?

Mr. DEERSON. That type and others.

Mr. BOBO. In the questioning of some of the boys who have had it in their possession, and those who have sold it, what is the price these books usually sell for in the school?

Mr. DEERSON. Usually the postal-card type is sold for about 25 cents. The Maggie and Jiggs type may be sold anywhere from 25 cents to half a dollar. The card-playing type, where a deck of cards is purchased, let us say, for \$5 on the outside, they are resold for anywhere from 15 to 25 cents per card.

Mr. BOBO. Do you have the figures as to the number of boys that have been known to sell pornographic literature within the high school?

Mr. DEERSON. I have discovered three boys this term.

Mr. BOBO. Three boys selling?

Mr. DEERSON. Yes.

Mr. BOBO. Do you have any figures as to the number who have had it in their possession?

Mr. DEERSON. No; I have not.

Mr. BOBO. Do you have any knowledge as to the extent that this traffic might reach where one boy would buy it, and to how many it would be passed around?

Mr. DEERSON. I have only discovered about five boys selling the material this term. There may be others. I don't know.

Mr. BOBO. Have you found out from the three boys who have been selling it where they might have obtained the material themselves to sell it?

Mr. DEERSON. Yes; they have told me they purchase it from men around New York City. They purchase it on the Bowery. Some have said they have purchased it on 42d Street, Sixth Avenue, the lower East Side, and especially among the men who sell old hats, razor blades. They sell old watches.

Mr. BOBO. A typical street peddler?

Mr. DEERSON. Street peddlers; and among their items will be pornographic material.

Mr. BOBO. Have you found, Mr. Deerson, that this is usually a surreptitious operation, not open and aboveboard among the boys, or among the street peddlers; that it is carried under the counter or under other goods which they have?

Mr. DEERSON. The material is in the man's pockets; and in passing by a man will approach a young teen-ager and ask him to purchase it.

Mr. BOBO. As dean of discipline in this particular high school, have you found that there is a certain inquisitiveness among the students there to read this particular type of literature?

Mr. DEERSON. Definitely.

Mr. BOBO. Would you think that this particular type of literature would cause any increase in sexual activities among the students at Haaren High School?

Mr. DEERSON. I believe so.

Mr. BOBO. Is this a coeducational school?

Mr. DEERSON. No; it is all boys.

Mr. BOBO. Would you think this particular material and the reading of this material would in any way affect the juvenile-delinquency rate of the students in this particular high school?

Mr. DEERSON. I believe there is some relationship. There is definitely a connection between the juvenile-delinquency rate and the reading of this material.

I feel that the material when read excites the young man; it stimulates him and may lead to some overt act.

Mr. BOBO. From your contacts with the other teaching staffs of the public schools in New York, and also in the parochial schools, and in other cities outside of the city of New York, has it come to your attention that they suffer from a similar problem which you face in your school?

Mr. DEERSON. I believe so.

Mr. BOBO. Have you ever discussed it with any of them?

Mr. DEERSON. No; I have never discussed it with anybody from anywhere else.

Mr. BOBO. I believe I asked you the question. Was this a coeducational high school?

Mr. DEERSON. No; it is a boys' school.

Mr. BOBO. Altogether a boys' school?

Mr. DEERSON. All boys.

Mr. MARTIN. I notice you have an envelope there. Would that be some of the material that has been confiscated?

Mr. DEERSON. Yes. I have a variety of the various pornographic material in this envelope.

Mr. MARTIN. Would you object to turning it over to the committee?

Mr. DEERSON. I don't object at all.

Chairman KEFAUVER. That is typical of what you have been finding among these boys?

Mr. DEERSON. That is correct.

Chairman KEFAUVER. Give it to Mr. Butler.

Mr. DEERSON. I will be glad to.

Chairman KEFAUVER. How old are these boys?

Mr. DEERSON. From 14 to 18.

Chairman KEFAUVER. Do you find the same sort of thing at the Jewish Settlement?

Mr. DEERSON. Yes. Only there it might be younger than 14.

Chairman KEFAUVER. How old are they?

Mr. DEERSON. They range anywhere from 11 to 20.

Chairman KEFAUVER. And you find that some of these people sell them pornographic literature, and they in turn distribute it and sell it to other kids?

Mr. DEERSON. In the settlement house it is not sold.

Chairman KEFAUVER. But among the boys that you see at the settlement house?

Mr. DEERSON. Yes; some of them do sell some of the pictures, especially the playing-card type.

Chairman KEFAUVER. Go ahead, Mr. Bobo.

Mr. BOBO. Do you have any knowledge as to what the extent of this traffic might be among the teen-agers in New York City?

Mr. DEERSON. I have noticed an increase in the amount of booklets being passed around. By booklets, I mean pornographic story type with pictures. I understand from one boy that there is a series of 10 of a similar size, approximately 4 by 6. In the exhibit that I just brought in I have two samples of that type.

Of course, as Father Egan said, it is not the number of booklets; it is the passage of one from one boy to another that causes a greater damage.

Mr. BOBO. Is that a new problem at the school? Have you noticed a steady increase, or is it a recent problem?

Mr. DEERSON. I have noticed a steady increase, especially the passing from one stage to another.

The art books sold on the newsstands, I believe, tend to stimulate these boys to seek a stronger type of material.

Chairman KEFAUVER. Senator Langer, do you have any questions?

Senator LANGER. No.

Chairman KEFAUVER. Mr. Deerson, do you feel that this influence is one of the influences that is contributing to juvenile delinquency?

Mr. DEERSON. I definitely believe so.

Chairman KEFAUVER. And it is on the increase?

Mr. DEERSON. I believe so.

Chairman KEFAUVER. What you have in your school, of course, is just a typical situation not only of other high schools but high schools all throughout the Nation? Your high school is just about like any other boys' school?

Mr. DEERSON. That is right. I believe it is a typical school.

Chairman KEFAUVER. I wanted it clear that we asked you to come here, not in an effort to criticize your school, but to show that happens in a typical school like you have.

Mr. DEERSON. That is correct.

Chairman KEFAUVER. Thank you very much, sir.

Dr. Benjamin Karpman.

STATEMENT OF DR. BENJAMIN KARPMAN, CHIEF PSYCHOTHERAPIST, ST. ELIZABETHS HOSPITAL, WASHINGTON, D. C.

Dr. Karpman, are you going to talk about names of people, and whatnot, in your testimony?

Dr. KARPMAN. Professional people don't mention names.

Chairman KEFAUVER. Very well. If these lights bother you, you can say so.

Dr. KARPMAN. It is all right.

Chairman KEFAUVER. Dr. Karpman, it is good to have you with us. You are Dr. Benjamin Karpman, chief psychotherapist of St. Elizabeths Hospital in Washington, D. C.?

Dr. KARPMAN. Yes, sir.

Chairman KEFAUVER. The St. Elizabeths Hospital is one of the largest and best known and best operated of our mental institutions for the treatment of mental disturbances; is that correct?

Dr. KARPMAN. Yes, sir.

Chairman KEFAUVER. You have been connected with St. Elizabeths Hospital for how long?

Dr. KARPMAN. 35 years.

Chairman KEFAUVER. Since 1919?

Dr. KARPMAN. That is right.

Chairman KEFAUVER. What is your educational qualifications and background, Dr. Karpman?

Dr. KARPMAN. I have a degree in chemistry and pharmacy from Columbia; a bachelors degree from the University of North Dakota; a bachelor of medicine degree from the University of Minnesota; and I also have a diploma from the University of Vienna, postgraduate work.

Chairman KEFAUVER. The study of criminology is your life's work?

Dr. KARPMAN. That is right.

Chairman KEFAUVER. I think I can say that Dr. Karpman is one of the most eminently and highly respected and knowledgeable criminologists in the world.

Dr. Karpman, we feel you are unusually well qualified to tell us in some detail of the matters that we are discussing here today as it relates to juvenile delinquency.

Mr. Bobo, will you carry on.

Mr. Bobo. Dr. Karpman, would you describe for us in professional terms the meaning of pornographic literature—what you interpret pornographic literature to be?

Dr. KARPMAN. Every community employs certain restrictions on its citizens, and one of the restrictions is verbal communication of certain private matters which can be discussed very privately among some people, but cannot be discussed in public. Among this is included certain material dealing with the private sex lives of individuals.

The intimate relations that are established between people in private relations—however, there are some people who seem to take satisfaction in spreading this type of material abroad; and these are the people who indulge in pornographic material.

There are two aspects to this pornographic material. There is the doer, the one that secures pornographic material for distribution; and then there is the victim who is exposed to that by the material of the other doer.

For this reason in order to develop pornographic literature you have got to have people who make a speciality of this pornographic literature. They go to the trouble of engaging people to pose for them in various unmentionable poses, and then after they get the material they get victims who pay certain amounts of money for the purpose of being able to see this material.

This material deals with sexual matters, with sexual relations, but not with the normal so-called average type of sexual relations. There is no interest in that, but usually with the type of sex material that ordinarily is prohibited or at least is unmentionable.

For instance, homosexuality and perversions. In homosexuals we often get pictures of people engaged in homosexual relations of a great variety. There are differences in homosexual relations in men, and there are differences in homosexual relations in women. This is pure homosexuality; but between homosexuality on the one hand, and so-called heterosexuality, on the other hand, there are a large group of people and activities which are called perversions.

Perversions may occur between couples, men and women, but in entirely abnormal and pathological ways—for instance, different positions, different matters of acting.

This is what is the purpose of pornographic men, and people pay money for that.

There would be no problem in pornographic literature if this was exposed to people who are normally developed and have been able to develop normal inhibitions, repressions and control.

Unfortunately it is often given to people of adolescent ages, which from our point of view is a very unstable period of life. Anything may happen during adolescence. You can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystallize and settle their lives for the rest of their lives.

If they are not exposed to that they may develop to perfectly healthy, normal citizens. It is here that objection comes upon pornographic literature.

Mr. BOBO. You mean a perfectly normal, healthy boy or girl, 12 or 13 years of age, if exposed to pornographic literature, could thereby develop into a homosexual?

Dr. KARPMAN. That is right; because from our point of view—we are not all normally, what we call heterosexual. We don't belong to one sex. All of us are bisexual. Every man has some element of a woman in him, because he has inherited that from his mother. In other words, every man has, from our point of view, a feminine component. Every woman has, from our point of view, a masculine component, which she has inherited from her father.

The proportion of this varies, but usually the masculine component in a man is large, let us say, 85 percent, whereas the feminine component in a man is very small, let us say, 10 to 15 percent; but because adolescence is a very unstable stage of development, if you expose a boy to an abnormal behavior it will play upon the undeveloped feminine component, and he might become homosexual.

Mr. BOBO. Do you think the reading of pornographic literature in addition to maybe changing his sex habits in life might also have an effect upon him more of a tendency to become a juvenile delinquent?

Dr. KARPMAN. I believe there is a definite relationship between juvenile delinquency and sex life. We started from this point of view. Our life from our point of view is guided by our instincts. We have two main instincts—the self-preservative instinct, and the race-preservative instinct, commonly known as the hunger and sex instincts.

Instincts that spread by tension—you and I will never know that we are hungry unless there would develop in the stomach some sort of tension which sends a message to the brain and tells us that we are hungry. In other words, we know of our sex life and of our personal life, of hunger life, only through the medium of tension developing.

Tension is tension. When a young boy and girl, for instance—you take a young boy who is reaching adolescence, and he is hungry for information on sex, but for some reason or another doesn't get it at home because the mother and father are too tired to talk to them about four-letter words and other nasty things.

Where is the boy going to find it? He cannot find it at home. He doesn't always find it in school. Very few schools have developed to the point of giving lectures on the subjects of the facts of life. He looks for it in the gutter, and there he comes across pornographic material and literature, and that draws him into all sorts of gang life, which later discharges itself as juvenile delinquency.

In other words, here is a boy who is under a great deal of sexual tension. The home environment will not permit him to discharge the sexual tension in normal sex relations. Society doesn't permit that in a premarital way. Tension is tension. It must break through. If he cannot discharge it in a sexual way, he discharges it in a criminal antisocial way.

Mr. BOBO. Thereby causing him to engage in gang activities?

Dr. KARPMAN. That is right. There is a very direct relationship between juvenile delinquency, sex life, and pornographic literature.

Mr. BOBO. Would it be your opinion that a young boy in reading pornographic literature would be inclined to commit some of the various sex crimes of rape, or many other variations?

Dr. KARPMAN. Some; not all. It all depends on the original make-up of the boy. There are some boys who have developed from early childhood interest in dirty matters. For instance, I have known boys only 5 or 6 years old, who every time they would go to the bathroom to move their bowels would always look at the stool. They would even take the stool and press it and squeeze it, showing a certain curiosity about it.

This type of boy who from early childhood has shown interest in those matters is the type of boy when confronted with pornographic literature will just fall for it hard.

There are, however, other boys who are brought up in a very severe puritanical environment, and that boy may shy away from pornographic literature. There is no set rule about it.

Mr. BOBO. Have you noticed coming to your attention more children that have had contact with pornographic literature?

Dr. KARPMAN. I wouldn't say that I have come in contact with more. I am not able to give you any statistics. I know that I have been testifying very often for the Post Office Department. They come in contact with a larger amount of pornographic literature. This has been a problem of the Post Office Department all the time.

For instance, there are a group of people that we call perverts, who specialize in spanking. They derive satisfaction, sexual satisfaction, out of spanking others and being spanked.

You sometimes get pictures of people, naked, nude, one after the other, each one in front spanking the other one. They even published a journal called Bareback, and that is how the Post Office Department got it, because they were sending obscene literature through the mail. They arrested them. That doesn't make any difference. You can arrest today all the people of this type that you can. Tomorrow morning you have another group, because the conditions which produce them remain constant.

Mr. BOBO. In these spanking photos—and I presume that you would include the chain photos—the ones where the women wear the long black highheel boots?

Dr. KARPMAN. That is right.

Mr. BOBO. Do you think it is possible this particular type of literature, even though it doesn't show a complete nude body, might also have an effect upon juveniles and their sex life?

Dr. KARPMAN. Yes; indeed. What they do not see, the imagination supplies the rest. In other words, you only have to expose, we will say, one bare leg of a woman, and her thigh, and then the imagination will supply the rest.

Mr. BOBO. So that the fact that under your definition, these bondage and spanking and whipping photos are pornographic in nature?

Dr. KARPMAN. Absolutely; they are pornographic in the sense that they stimulate the mind to abnormal sexual practices.

What you speak of is what we psychiatrists know as sadism, masochism, fetishism, and so on. These are abnormal sexual practices—men who are sadists and masochists usually get together. One is a sadist and one is a masochist. The couple need not be only men or only women. Sometimes it is a man and a woman.

Oddly enough, it is the woman who is the sadist, and it is a big strong husky man that is the masochist. The woman gets a hold of a whip, and it is amazing how they can use a whip on a big strong husky man, and he takes all she can give him, and out of that both derive a certain amount of what we call physical satisfaction.

These things are sometimes enlarged in people, in children brought up at the age of 3, 4, 5 years old. If pornographic literature would not come along it would remain within certain confines—not normal, because only psychoanalysis can cure that.

The pornographic literature casts it broadly and widely, and attracts people who would otherwise remain entirely innocent.

Mr. BOBO. Pornographic literature, as I understand you, doesn't affect only teen-agers, but can go down to the age of 5 or 6?

Dr. KARPMAN. Yes, absolutely; if it falls on proper soil. You take, for instance, a person who has developed normally. If you take that kind of a person and expose them to literature when they were 5 years old, he wouldn't know what it means. He may have been brought up in a very good home which was probably severely puritanical, but he went to church and controlled himself, and so on. That boy is not likely to be influenced by the exposure; but you take a boy who has developed from early childhood sadistic, masochistic, fetishistic, or cannibalistic tendencies, and there you have something from which he can go.

Chairman KEFAUVER. Would you say that among the juvenile population of today that sexual perversion is on the increase?

Dr. KARPMAN. I would have to cite statistics, and it is impossible under these circumstances to cite statistics. You cannot, because they will deny it. I believe it is on the increase, and I will give you one proof; the world war.

As a result of war certain changes have taken place in our sex life. Women were committing adultery because they were left without men. That is one change. That disturbs the basic living of our communities.

Some women have taken other women as partners to take the place of the husband, because they did not want to commit adultery, and so they thought they were remaining within the levels of normality; but two women would get together and play with each other, and some, even harmless.

Men coming from war over and over again would become changed in their sex lives. That was demonstrated very well by the popular song during World War I—My Buddy. It is a typical homosexual song which glorified the companionship of men with men.

Then during the war there were also magazine articles—Men Without Women—which also emphasizes the problem of homosexuality.

There have been many divorces as a result of the war. There have been many murders. A man stayed away during the war for 2 or 3 years, came back, and regardless of how faithful the wife might have been to him, there was always a suspicion of jealousy in them, and many of them committed murder. I had a number of them among my patients.

Mr. BOBO. In addition to creating certain perversions among children, when an older person shows to a child pornographic literature, what is the effect of that? Is he attempting to get him to engage in perversion acts?

Dr. KARPMAN. Men somehow or another do not realize they cannot be as competent sexually at 65 as they were at 25, and they still expect at 65 to be perfectly healthy and normal and be able to satisfy a woman.

A time comes when they are not able to satisfy a woman. A time comes when they are able to satisfy only in a moderate degree, but not the way they were able to satisfy them before.

Very often it happen that men, as time goes on, become less and less and less competent sexually, but they don't want to admit it. Then they suffer what we call regression. They begin to go down to the level of childhood, and the man becomes almost like a child, and being a child he thinks like a child. He feels like a child, and therefore tries to play with children.

Mr. BOBO. Do you think also that among the young people, especially of high-school age, that rather than involve the danger of possible conception, that pornography has given them the idea in other forms of sexual satisfaction?

Dr. KARPMAN. Pornography may not have given them the idea, but it may have supported it. One homosexual woman that I had under observation told a young girl who was perfectly normal—but it was during the war, and men were scarce—and she came to her and said, "What do you want to bother with men for anyway? There is always the possibility of disease; there is always the possibility of pregnancy. There would be no chance of pregnancy if you went out with me. What is there a man can do that I cannot do?"

She dresses herself up in male clothes, and looks like a man and acts like a man, and she tries to simulate the activities of men; and that is how women homosexuals often develop.

Chairman KEFAUVER. Senator Langer, do you have any questions?

Senator LANGER. How long have you been at the hospital in Washington?

Dr. KARPMAN. 35 years, with the exception of a year and a half when I was in Europe studying and doing postgraduate work.

Senator LANGER. Thank you.

Chairman KEFAUVER. You were born in North Dakota?

Dr. KARPMAN. No.

Chairman KEFAUVER. You lived in North Dakota?

Dr. KARPMAN. Yes. I was at Columbia; I was at Michigan, and I was always looking for a smaller school, and I found it in North Dakota. Everybody knows everybody else. You are just like friends. You have no such thing like that in a large city like this, where everybody is everybody else's enemy. In North Dakota everybody is everybody's friend, just like in Tennessee.

Chairman KEFAUVER. Dr. Karpman, we do certainly thank you for the valuable information you have given to this committee.

Dr. KARPMAN. Thank you very much.

Chairman KEFAUVER. We appreciate your coming up to New York.

Mr. BOBO. I am going to ask Mr. Martin to call the names of the witnesses who have been subpoenaed to appear here today and to present their books and records—and will you come forward at the time in which he calls your name?

Mr. MARTIN. Abraham Rubenstein. Abraham Ruben.

Chairman KEFAUVER. What is your name?

Mr. WEISS. Daniel S. Weiss, 15 East 40th Street.

Chairman KEFAUVER. You represent Mr. Ruben?

Mr. WEISS. Yes.

Chairman KEFAUVER. Let us make it the first thing in the afternoon. Let us say 1:30.

Mr. WEISS. Very good.

Mr. MARTIN. Has Mr. Ruben brought his books with him?

Mr. WEISS. What books are you interested in?

Mr. MARTIN. He has been asked to produce his State and Federal income-tax returns for the years 1950 to 1954.

Mr. WEISS. We have that.

Mr. MARTIN. The records of his business, bankbooks, bank statements, checkbooks, check stubs.

Chairman KEFAUVER. Mr. Weiss, we will take care of those things and see that they are returned intact. Mark them and catalog them carefully.

Mr. WEISS. That will be tomorrow at 1:30?

Chairman KEFAUVER. We will recess for lunch and come back at 1:30 or 2 o'clock. Let us say 1:30 to be sure.

Mr. WEISS. Thank you very much.

Mr. MARTIN. Mr. Herman Sobel.

Mr. BOHRAR. I am the attorney for Mr. Sobel.

Chairman KEFAUVER. We will be glad to have you with us, Mr. Bohrar. You are the attorney for Mr. Sobel?

Mr. BOHRAR. I am.

Chairman KEFAUVER. When did you want to have Mr. Sobel come to testify? Would it be convenient to come back at 2:30 tomorrow?

Mr. BOHRAR. That will be perfectly all right. We have some records here.

Mr. MARTIN. I wonder if Mr. Bohrar would care to define what records you have produced?

Mr. BOHRAR. Canceled checks.

Mr. MARTIN. How about the State and Federal income-tax returns?

Mr. BOHRAR. He hasn't got any. He hasn't kept any records. He has filed reports, but he hasn't kept copies of them.

Mr. MARTIN. Don't you know under the law he is required to keep records of his business?

Mr. BOHRAR. I understand that, but he hasn't got them.

Chairman KEFAUVER. Is Mr. Sobel the head of a corporation?

Mr. BOHRAR. He is an individual.

Chairman KEFAUVER. What kind of books did you keep, sir?

Mr. BOHRAR. He doesn't keep any books.

Chairman KEFAUVER. Just keeps them in his head?

Mr. BOHRAR. Keeps them in his head. He tells me there are a great number of judgments against him, and he cannot keep records for that reason. He doesn't keep any money in the bank because he hasn't got any money.

Chairman KEFAUVER. He is in bad shape?

Mr. BOHRAR. He puts a certain amount of money in the bank just to make good the checks.

Mr. MARTIN. He was subpoenaed to produce checkbooks, and check stubs. Where are they—the canceled checks?

Mr. BOHRAR. That is all he has.

Chairman KEFAUVER. I suggest you look again and see if you cannot find more records and books of your business.

Mr. Butler, will you mark those? We will keep them and return them to you, Mr. Bohrar.

Mr. MARTIN. Mr. Abe Rotto.

Mr. ROTTO. I was subpoenaed for this morning. I am waiting for my attorney.

Chairman KEFAUVER. How about 11 o'clock tomorrow morning?

Mr. ROTTO. That will be all right.

Chairman KEFAUVER. You have some books and records, Mr. Rotto?

Mr. ROTTO. What I was asked to bring along—the income-tax reports. I haven't kept any books.

Mr. MARTIN. Do you have any books?

Mr. ROTTO. I haven't kept any books. I am just a free-lance salesman.

Mr. MARTIN. How about your bank accounts?

Mr. ROTTO. I have one of those 10-cent checking accounts.

Mr. MARTIN. Do you have the canceled checks?

Mr. ROTTO. Only for the last month or so. I get my statement, check it off, and throw it away. I never have more than 50 or 60 dollars in the bank.

Mr. MARTIN. Do you own any property?

Mr. ROTTO. No, sir.

Mr. MARTIN. No automobile; or anything?

Mr. ROTTO. I have an automobile; yes, sir.

Mr. BOBO. Do you have your income-tax returns for the years requested?

Mr. ROTTO. Yes, sir.

Chairman KEFAUVER. We will take care of what records you have. Turn them over, and at the end of the hearing they will be returned to you.

Mr. ROTTO. Thank you.

Chairman KEFAUVER. Catalog carefully what he gives you.

Mr. ROTTO. Eleven o'clock tomorrow morning?

Chairman KEFAUVER. Eleven o'clock in the morning.

Mr. MARTIN. Louis Shomer.

Chairman KEFAUVER. You are Mr. Shomer?

Mr. SHOMER. Yes.

Chairman KEFAUVER. You are——

Mr. RACHSTEIN. Mr. Rachstein.

Chairman KEFAUVER. You are Mr. Shomer's attorney?

Mr. RACHSTEIN. Yes, sir.

Chairman KEFAUVER. What is your first name, Mr. Rachstein?

Mr. RACHSTEIN. Jacob; 280 Broadway, New York.

Chairman KEFAUVER. We will be glad to work out Mr. Shomer's appearance at a time that is convenient with you.

Mr. RACHSTEIN. I was going to trial tomorrow, but if we are going to have a hearing tomorrow, any time will do. I will just adjourn the case. Is it planned to hear Mr. Shomer tomorrow?

Chairman KEFAUVER. Will 1:30 be all right?

Mr. RACHSTEIN. Yes; Your Honor.

Chairman KEFAUVER. We will look for you at 1:30.

Mr. MARTIN. Has Mr. Shomer produced the records?

Mr. RACHSTEIN. He brought his checkbooks and stubs. He is unable to produce his tax returns because they are in the possession of

his accountant. He was served last night at 9 p. m. He has had no opportunity before coming here this morning to see his accountant.

Mr. MARTIN. Can he get them?

Mr. RACHSTEIN. He will have them here at 1:30.

Chairman KEFAUVER. If necessary, bring your accountant with you. Turn over what you have now.

Mr. RACHSTEIN. Thank you.

Mr. MARTIN. Roy Ald.

(No response.)

Mr. MARTIN. Irving Klaw.

Chairman KEFAUVER. You are Mr. Klaw?

Mr. KLAU. Yes.

Chairman KEFAUVER. Irving Klaw?

Mr. KLAU. Yes.

Chairman KEFAUVER. You are Mr. Gangel?

Mr. GANGEL. Yes.

Chairman KEFAUVER. What is your address?

Mr. GANGEL. 165 Broadway, New York City.

Chairman KEFAUVER. You are the attorney for Mr. Klaw?

Mr. GANGEL. I am his attorney, but his regular attorney is in the hospital, and I have filed a written motion for an extension of the return date of this subpoena. Mr. Joseph E. Brill is Mr. Klaw's attorney. He is confined to the Beth Israel Hospital, and so I have asked that the return date be extended, and if necessary we would appear before the committee in another city if the date were extended, when Mr. Brill is available.

Chairman KEFAUVER. Have you represented Mr. Klaw in other matters?

Mr. GANGEL. Our firm has. Mr. Brill has been in charge of it.

Chairman KEFAUVER. Mr. Brill is a partner in your firm?

Mr. GANGEL. That is correct.

Chairman KEFAUVER. How many members are there in the firm?

Mr. GANGEL. Two members.

Chairman KEFAUVER. And the firm has handled Mr. Klaw's matters?

Mr. GANGEL. Yes; but exclusively by Mr. Brill.

Chairman KEFAUVER. Mr. Gangel, I think we will get along all right. All we want to get are some facts. We won't get into any involved legal complications, I wouldn't think. We would like to get as much of this hearing over with during these 3 days as possible.

Mr. GANGEL. I will cooperate as much as possible, but I am not sure there won't be any legal problems, and that is the reason I wanted the client to have the benefit of Mr. Brill's advice and counsel, but I will, of course, abide by the chairman's ruling.

Chairman KEFAUVER. I think we will get along all right.

Mr. GANGEL. Thank you.

Chairman KEFAUVER. When would it be convenient for Mr. Klaw to come? Would 1 o'clock Thursday afternoon be convenient?

Mr. GANGEL. I don't have my diary here, but we will be here whatever time the committee fixes.

Chairman KEFAUVER. One o'clock Thursday afternoon.

Mr. Klaw, were you requested to bring any records or books?

Mr. KLAU. Yes.

Chairman KEFAUVER. Do you have them, sir?

Mr. Klaw. I decline to make them available under the fifth amendment of the Constitution; that they may tend to degrade or incriminate me; and under the fourth amendment of the Constitution, that the subpoena is vague and illegal.

Chairman KEFAUVER. Well, sir, as to the second point, vagueness and illegality of the subpoena—the subpoena should be copied in the record at this point. Let it be exhibit 7.

(The subpoena was marked "Exhibit 7," and is as follows:)

EXHIBIT No. 7

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To IRVING Klaw, 212 East 14th Street, New York City, Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Subcommittee To Investigate Juvenile Delinquency of the Senate of the United States, on May 24, 1955, at 10 o'clock a. m., at their committee room 104, United States Court House, Foley Square, New York, N. Y., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you copies of your State and Federal income-tax returns for the years 1950 to 1954, inclusive; records of your business, including bankbooks, bank statements, checkbooks and check stubs, profit and loss statements, statements of assets and liabilities, and all documents reflecting your interest in property, real, personal, or mixed.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To United States Marshall, southern district of New York to serve and return. Given under my hand, by order of the committee, this 19th day of May, in the year of our Lord one thousand nine hundred and fifty-five.

ESTES KEFAUVER,

Chairman, Subcommittee To Investigate Juvenile Delinquency.

Chairman KEFAUVER. As to the second point, you, of course, are entitled to rely upon the fifth amendment. Do you wish to make any statement as to why you think producing any books or records called for here, might tend to incriminate you?

Mr. Klaw. I decline to answer under the fifth amendment of the Constitution; that an answer to that may tend to incriminate me.

Mr. GANGL. According to your suggestion, we don't want any pictures.

Chairman KEFAUVER. Mr. Klaw said he didn't want any lights or pictures.

Mr. GANGL. There is just one aside from the question you have just addressed to this witness. If you would fix our appearance for Thursday morning instead of Thursday afternoon, I would very much appreciate it, because I have to conduct a hearing at 2 o'clock on Thursday, and I am afraid this would interfere. If it could be arranged, I would appreciate it.

Chairman KEFAUVER. Nine o'clock Thursday morning.

Mr. GANGL. All right, sir.

Chairman KEFAUVER. Mr. Klaw, you have refused to comply with the subpoena and bring in certain books. You have a copy of the subpoena, do you not?

Mr. GANGL. We have a copy of the subpoena. Mr. Klaw had it and turned it over to me.

Chairman KEFAUVER. It was duly served on Mr. Klaw.

Mr. Klaw, the subcommittee will order and direct you to bring the books and records specified in this subpoena when you come Thurs-

day morning. You will remain under continuing subpoena to appear here at 9 o'clock Thursday morning with the books and records described in this subpoena. Is that clear?

Mr. GANGEL. We understand, sir.

Chairman KEFAUVER. Thank you, sir.

Mr. MARTIN. Aaron Moses Shapiro.

Chairman KEFAUVER. Is Mr. Shapiro not here?

Mr. BOBO. Mr. Shapiro hasn't made an appearance.

Chairman KEFAUVER. Let us ask the assistants of the marshal to locate him.

Mr. BOBO. Is the marshal present?

The MARSHAL. Mr. Shapiro is not in the back room.

Mr. MARTIN. Martin Goodman.

Mr. FROLICH. Mr. Goodman's counsel was out of town. I believe he got in touch with the committee.

Mr. MARTIN. Edward Mishikin.

Chairman KEFAUVER. You are Mr. Mishikin?

Mr. MISHIKIN. That is correct.

Chairman KEFAUVER. You appear for Mr. Mishikin?

Mr. WEISS. Yes, sir.

Chairman KEFAUVER. He will continue under subpoena and come back at 1:30 tomorrow.

Mr. WEISS. Fine.

Chairman KEFAUVER. Do you have some books and records?

Mr. WEISS. He has.

Chairman KEFAUVER. Have you?

Mr. MARTIN. Aren't there more records than what he has in his hands?

Mr. WEISS. Most of those records with respect to income tax are now in the possession of the Internal Revenue Department. He is under investigation there.

Chairman KEFAUVER. Will you take charge and catalog the records? They will be returned to him.

Have him look again and see if he finds any other records.

Mr. WEISS. All the records he has in his possession have now been turned over.

Mr. MARTIN. Do we have the documents reflecting his interest in property, real, personal, and mixed?

Mr. WEISS. Yes.

Mr. MARTIN. Do we have a statement of his assets and liabilities?

Mr. WEISS. All of those records are with the Internal Revenue Department.

Mr. MARTIN. All of them?

Mr. WEISS. Yes; I imagine all of them.

Mr. MARTIN. For 1954, too?

Mr. WEISS. They are either in the possession of the Internal Revenue Department or his tax representatives who is presently negotiating with the Internal Revenue Department.

Chairman KEFAUVER. Your client must have copies of these reports, or must be able to get in touch with his tax representative.

Mr. WEISS. I will try to do that myself if it is possible.

Mr. MARTIN. How about his profit and loss statement?

Mr. WEISS. All of those are in, I believe.

Mr. MARTIN. His bank statements?

Mr. WEISS. The bank books have been turned over. There are no checking accounts, and there haven't been any.

Mr. MARTIN. Mr. Weiss, it isn't customary for the Internal Revenue Department to be that much on the ball that they will be investigating a man's 1954 income tax in 1955.

Mr. WEISS. It is more or less of a continuation of an original investigation. I think there has been an extension on it to cover other years. Frankly, I am not too familiar with that, but I know all the records he has, he has turned over either to the Internal Revenue Department or to the tax consultant who is handling the matter with the Internal Revenue Department.

Mr. MARTIN. You will take it up with the tax consultant?

Mr. WEISS. I will definitely call him. Is it 1:30 or 2 o'clock tomorrow?

Chairman KEFAUVER. Yes. If you will advise a member of the staff in the morning as to what the tax consultant says—whether you have gotten those records or not, that will be all right.

Mr. WEISS. Yes; of course.

Mr. MARTIN. Do you have any other clients, while you are here?

Mr. WEISS. I have one who is ill, and I have turned in a doctor's certificate with respect to him. That is Louis Finkelstein.

Mr. MARTIN. Mr. Finkelstein?

Mr. WEISS. That is correct.

Mr. MARTIN. The day the marshal made service, I believe Mr. Finkelstein was at the doctor's office in Brooklyn.

Mr. WEISS. I believe the marshal spoke to the doctor.

Mr. MARTIN. Mr. Finkelstein was able to drive his own car to Brooklyn.

Mr. WEISS. I don't know that to be the fact, nor can I dispute it.

Chairman KEFAUVER. 139 Winthrop Road, Teaneck, N. J.?

Mr. WEISS. That is correct.

Chairman KEFAUVER. Will you contact him and see if in the 3 days we are here it won't be possible for him to come in? It doesn't indicate there is anything seriously wrong with him.

Mr. WEISS. I believe he did have one stethoscopic test of some sort, and I understood he was either going into the hospital today or the next day for another one. I don't know. That is the information that I received.

Chairman KEFAUVER. Make inquiry and let our staff know.

Let the doctor's certificate be made part of the record.

(The doctor's certificate was marked "Exhibit No. 8," and is as follows:)

EXHIBIT No. 8

BROOKLYN, N. Y., May 21, 1955.

Name: Louis Finkelstein. Age 42.

Address: 379 Winthrop Road, Teaneck, N. J.

To Whom It May Concern:

This is to certify that Louis Finkelstein is ill and has been under my and Dr. Harold Berlowitz's (urologist) care for the past month. He is suffering from a kidney and urinary bladder ailment, and is in need of additional cystoscopic, urinary, and X-ray observation, tests, and treatment.

Yours truly,

SAMUEL L. MAILMAN, M. D.

Mr. MARTIN. Eugene Mulletta.

Chairman KEFAUVER. You are Mr. Mulletta?

Mr. MULLETTA. Yes.

Chairman KEFAUVER. What is your name?

Mr. LAZER. Leon D. Lazar.

Chairman KEFAUVER. You are attorney for Mr. Mulletta?

Mr. LAZER. That is right.

Chairman KEFAUVER. What is your address?

Mr. LAZER. 120-09 Liberty Avenue, Richmond Hill, N. Y.

Chairman KEFAUVER. Your phone number there?

Mr. LAZER. MIchigan 1-1515.

Chairman KEFAUVER. When is Mr. Mulletta scheduled to appear? Would 10 o'clock Thursday morning be satisfactory?

Mr. LAZER. That will be satisfactory.

Chairman KEFAUVER. Mr. Mulletta, were you requested to bring any books and records?

Mr. MULLETTA. I have them in the car. I have two large cartons. It would be impossible for me to carry them.

Chairman KEFAUVER. Mr. Butler, will some of you make arrangements to see what is in the car.

Mr. MULLETTA. The 1954 accounts receivable, and my bills. I am under charges in special sessions in Long Island City on some accounts. I feel that they would tend to incriminate me if they were shown to the wrong people.

Chairman KEFAUVER. Why don't you separate what you think would tend to incriminate you. We will argue about that later.

Mr. LAZER. We are willing to give you all the records up to 1954. Since my client is under indictment under a charge which may be in some way related to the purpose of the investigation here, I feel the production of those records at this time would tend to incriminate him. He feels that way himself.

Chairman KEFAUVER. I would be inclined to agree with you; but you bring them in.

Mr. LAZER. We will bring the records. They are downstairs in his car, and we will bring them right up.

The proceeding is in the general sessions court. It is a State court.

Chairman KEFAUVER. Ordinarily an incrimination matter doesn't relate from a State jurisdiction to a Federal jurisdiction, or vice versa. Bring them all in and let us talk about it when you appear.

Mr. LAZER. We will do that, sir.

Chairman KEFAUVER. Thank you very much, sir.

Mr. MARTIN. John Cassel.

Chairman KEFAUVER. You are Mr. Cassel?

Mr. CASSEL. Yes.

Mr. MARTIN. Do you have any books and records?

Mr. CASSEL. Not books, just the records—income tax.

Mr. MARTIN. Bankbooks, bank statements?

Mr. CASSEL. Just one bankbook.

Chairman KEFAUVER. You were told to bring in a whole lot of other things.

Mr. CASSEL. That is all I have.

Chairman KEFAUVER. Where do you keep the books of your business?

Mr. CASSEL. I have no business. I work as a shipping clerk.

Chairman KEFAUVER. Mr. Butler, will you catalog what Mr. Cassel has there?

Mr. Cassel, can you come back at 10 o'clock in the morning?

Mr. CASSEL. Could I come on Thursday, please?

Chairman KEFAUVER. Tomorrow morning.

Mr. CASSEL. Thank you, sir.

Mr. MARTIN. Roy Ald.

(No response.)

Mr. MARTIN. William Landsman.

Chairman KEFAUVER. You are Mr. Landsman?

Mr. LANDSMAN. I am.

Chairman KEFAUVER. Will 10 o'clock in the morning be satisfactory to you, Mr. Landsman?

Mr. LANDSMAN. Yes.

Chairman KEFAUVER. Do you have any books and records?

Mr. LANDSMAN. I am not in the capacity of having books and records.

Chairman KEFAUVER. You don't have any at all?

Mr. LANDSMAN. No, sir.

Chairman KEFAUVER. Do you have a copy of your income-tax returns?

Mr. LANDSMAN. No, sir. I am on social security.

Chairman KEFAUVER. You have no books of any kind?

Mr. LANDSMAN. No, sir.

Chairman KEFAUVER. No checking account?

Mr. LANDSMAN. No, sir.

Chairman KEFAUVER. All right, we will see you in the morning at 10 o'clock.

Mr. MARTIN. Frank Adler.

Chairman KEFAUVER. Mr. Adler doesn't seem to be here.

Call the next witness, Mr. Bobo.

Mr. BOBO. Eugene O. Cavanaugh.

Chairman KEFAUVER. Mr. Cavanaugh, we are glad to have you with us.

TESTIMONY OF EUGENE O. CAVANAUGH, CHIEF OF THE YOUTH SQUAD, NEW YORK CITY BOARD OF EDUCATION

(Eugene O. Cavanaugh was sworn.)

Chairman KEFAUVER. Mr. Bobo, will you take over.

Mr. BOBO. Would you state your full name.

Mr. CAVANAUGH. Eugene O. Cavanaugh.

Mr. BOBO. You are employed on the youth squad of the board of education?

Mr. CAVANAUGH. The chief attendance officer, board of education, city of New York.

Mr. BOBO. What is the address?

Mr. CAVANAUGH. 110 Livingston Street, Brooklyn, N. Y.

Mr. BOBO. How long have you worked in that capacity?

Mr. CAVANAUGH. As chief attendance officer, 4 years; in the attendance field, 27 years.

Mr. BOBO. What is your duty in the attendance field and in the youth squad of the board of education?

Mr. CAVANAUGH. My duties are to supervise the attendance staff, that is, including the supervisory staff and the attendance officers in

the field, of which we have 32; 42 supervisory members, and 340 attendance officers.

Chairman KEFAUVER. State those figures again.

Mr. CAVANAUGH. We have 42 supervisory members of our staff, and 340 attendance officers. I personally supervise the youth squad that goes about the city apprehending children on the streets during school hours.

Mr. BOBO. Your squad has no police powers?

Mr. CAVANAUGH. They have police powers. They may arrest truants on the streets during school hours.

Mr. BOBO. What have you found to be the major activities of truants from school?

Mr. CAVANAUGH. The major activity is to find some place that they can be entertained during school hours rather than attend school. Moving picture houses used to be a favorite hangout of children until the moving picture theater owners cooperated with us, and we have very little difficulty on that score now.

Candy stores are a source——

Chairman KEFAUVER. You say moving picture houses used to be a favorite hangout, but the moving picture theater owners have cooperated with you and it is no longer true?

Mr. CAVANAUGH. It is no longer true.

Chairman KEFAUVER. That is something that I think ought to be noted.

Mr. BOBO. Have you come in contact with any pornographic material through your organization or through your own personal contacts?

Mr. CAVANAUGH. Well, over the years it has been an occasional problem. We have had pornographic material come into the possession of children. It hasn't been on the increase of late, but it still is with us.

Mr. BOBO. Has there been any increase in the number of sex offenses among students at school?

Mr. CAVANAUGH. Not that we know of; no.

Mr. BOBO. Not among the truants with whom you deal?

Mr. CAVANAUGH. No.

Mr. BOBO. I believe that some time ago you submitted a report dated April 12, 1955, that spoke of some of the activities that the youth squad has come in contact with in New York City.

Do you have any objection, Mr. Cavanaugh, if we should make this part of the record of the hearings of this subcommittee?

Mr. CAVANAUGH. I will be glad to.

Mr. BOBO. Are there any special sections——

Chairman KEFAUVER. You said it would be all right?

Mr. CAVANAUGH. Yes, sir.

Mr. BOBO. I ask it to be appended in the record.

Chairman KEFAUVER. It will be so ordered.

(The information was marked "Exhibit No. 9," and is on file with the subcommittee.)

Mr. BOBO. In addition to speaking of truants, and so forth, I notice in this report:

We know that this condition contributes to juvenile delinquency. Pupils have informed us that they have been offered alcoholic beverages, obscene literature has been circulated, and youth in the 17 to 20 years age group are constantly

soliciting teen-age girls to accompany them on dates and automobile rides in most of these premises.

Would you say that is an increase in activity?

Mr. CAVANAUGH. Yes; that is an increased activity. Our difficulty today is in the local candy store where the 17-year-olds hang out, and invite girls in, or younger children into the store; and they are known to hang out there; and it is an attraction to these teen-age girls to go to the store for whatever amusement is there. It may be for just hanging out in the store. It may be to look at these pornographic pictures, or it may be to drink beer, or whatever it may be.

Mr. BOBO. Have any street peddlers or the candy stores come to your attention insofar as that they are selling or peddling pornographic literature?

Mr. CAVANAUGH. No.

Mr. BOBO. None have come to the attention of your department at all?

Mr. CAVANAUGH. No, sir.

Mr. BOBO. Would you say that pornographic literature has had any effect upon truancy or delinquency among the schools of New York?

Mr. CAVANAUGH. There is no doubt in my mind that pornographic literature does have an effect upon the child.

As Father Egan pointed out, some children are able to throw it off. Some children, it whets the appetite, and they look for more. It creates a problem. There is no doubt that it adds to the juvenile delinquency that we are now faced with.

Chairman KEFAUVER. Senator Langer, do you have any questions?

Senator LANGER. No.

Chairman KEFAUVER. Mr. Cavanaugh, we thank you very much for coming. We wish you success in your effort, which we know is a very difficult one.

Mr. CAVANAUGH. Thank you, sir.

Senator LANGER. How many boys have you dealt with in connection with your work?

Mr. CAVANAUGH. In 27 years?

Senator LANGER. Yes.

Mr. CAVANAUGH. I would say offhand probably there came into my own hands—that I had personal contact with?

Senator LANGER. Yes.

Mr. CAVANAUGH. I would say about 50,000 children that I had personal contact with.

Senator LANGER. What would be their ages?

Mr. CAVANAUGH. The ages run from 7 to 17.

Senator LANGER. Thank you very much.

Chairman KEFAUVER. We would appreciate hearing from you.

Mr. CAVANAUGH. We would be glad to write to you.

Chairman KEFAUVER. Our next witness.

Mr. BOBO. Mr. and Mrs. Robert Thoms.

(Mr. and Mrs. Robert Thoms were sworn by the chairman.)

Chairman KEFAUVER. Mr. Bobo, will you take over. I don't know how you are going to testify together, but we will work it out some way.

Mr. BOBO. Do you have any preference as to which one will testify first?

Chairman KEFAUVER. Let Mrs. Thoms tell her story.

Mr. BOBO. Mrs. Thoms, would you state your name for us.

TESTIMONY OF MR. AND MRS. ROBERT THOMS, RUTHERFORD, N. J.

Mrs. THOMS. Mrs. Helen C. Thoms.

Mr. BOBO. Your address where you live now?

Mrs. THOMS. Seventy-three Barrows Avenue, Rutherford, N. J.

Mr. BOBO. Are you a parent?

Mr. THOMS. Yes.

Mr. BOBO. How many children do you have?

Mrs. THOMS. Five.

Mr. BOBO. Five children?

Mrs. THOMS. Yes.

Mr. BOBO. Mrs. Thoms, I believe you formerly lived in Fairlawn, N. J., and you had an experience with pornographic literature?

Mrs. THOMS. Yes.

Mr. BOBO. And it involved your children?

Mrs. THOMS. Yes.

Mr. BOBO. Will you tell us about that?

Mrs. THOMS. Last May my sons came in—

Chairman KEFAUVER. Last May—1954?

Mrs. THOMS. Yes. My sons came in at dinner time, and they were taking their baths, and I was taking the laundry down; and as usual I was emptying the pockets of the dungarees, and I came across—

Chairman KEFAUVER. How many sons are they?

Mrs. THOMS. Just one pair of dungarees had the books in them. He was 13 years old—my son Vincent.

Chairman KEFAUVER. Go on and tell us all about it in your own words.

Mrs. THOMS. At first I picked the two books out of his pocket and I thought they were just children's book, and I didn't know whether to throw it away or not. I looked inside of it, and I was so surprised.

When I asked him where he got them he said some boy had given it to him, and he was going to throw them away.

Mr. BOBO. You say that you were surprised. They weren't the type of books you thought they were—children's books? They were the pornographic type of books showing nude and obscene pictures?

Mrs. THOMS. No; I never had experience with anything near like it.

Chairman KEFAUVER. What kind of books are we talking about now?

Mr. BOBO. Is this the type of book you are talking about which was in the hand of your child?

Mrs. THOMS. Yes.

Mr. BOBO. Entitled "Jiggs"?

Mrs. THOMS. Yes.

Mr. BOBO. And "Ella Cinders"?

Mrs. THOMS. Yes, sir.

Chairman KEFAUVER. Let us make it clear that some of these pornographers have plagiarized the names of very fine comic strips, like Maggie and Jiggs, and Ella Cinders. That was a despicable thing to do.

Go ahead, Mr. Bobo.

Mr. BOBO. You found these in the pocket of your 13-year-old son?

Mrs. THOMS. Yes. I asked him why didn't he show them to me. He said he had just got them. It was at 5 o'clock. He came in the house. It was a few minutes before 5 when he said he got them. I said, "From who?"

He said, "A certain boy."

I went to the certain boy's house. He said he found them on the school grounds. I took him to the police department and left one copy.

Mr. BOBO. Did the boy who had given them to your son go to the same school, and did he find them at the school ground in Fairlawn?

Mrs. THOMS. No. He said he found them on the school grounds across the street from my house, but that is not where they came from. They were being sold in the schoolyard of a school a mile away from us.

Mr. BOBO. Will you tell us how your son came into contact with these books. Where did he get them?

Mrs. THOMS. Would you ask me the questions more directly?

Mr. BOBO. Where did you say your son got these books?

Mrs. THOMS. He said that this boy gave them to him.

Mr. BOBO. Did you make a further investigation to determine where the boy who gave them to your son got them?

Mrs. THOMS. Well, he denied it. He said he just found them on the school ground, but later that evening my 10-year-old boy—I have 3 boys—the youngest boy said, "They sell those in the schoolyard."

Mr. BOBO. Was he talking about the school where he went to school?

Mrs. THOMS. Yes.

Mr. BOBO. And then did you make a further investigation to determine if they were being sold in the schoolyard where your son was at school?

Mrs. THOMS. Yes.

Mr. BOBO. Did you find that they were?

Mrs. THOMS. Yes.

Mr. BOBO. Did you find out the number of boys that were selling them in that particular school?

Mrs. THOMS. Well, I knew of two definitely that were selling them.

Mr. BOBO. Did you go to the school authorities and ask them to help you with the investigation?

Mrs. THOMS. Yes.

Mr. BOBO. Were they cooperative?

Mrs. THOMS. They were expelled boys. They have over 1,500 children. They said they would expel them immediately rather than keep them there and make any question about it.

Mr. BOBO. Did they give you any idea as to the extent of the traffic in this particular school of these types of books?

Mrs. THOMS. Yes. The teacher said they had confiscated a few in the fifth, sixth, and seventh grades—a couple of boys once in a while would be caught with them, and the teachers would take them away from them.

Mr. BOBO. Did you make a report to the police department about that?

Mrs. THOMS. Yes.

Mr. BOBO. Did you receive the cooperation of the police department in tracking down where the books had come from?

Mrs. THOMS. Well, I don't know whether you would call it cooperation or not. You will have to ask me more specifically. I was

told not to do anything further about it. I was told to forget about it and not to talk about it, and let them take care of it.

Chairman KEFAUVER. Who told you that?

Mrs. THOMS. Police Captain Reisacker and Mr. LaGrossa, in charge of the juvenile police. They said they will take care of it and for me to be quiet and not do any more about it.

Mr. BOBO. Did they give you any reason for you being quiet?

Mrs. THOMS. Yes. They said, "You will only miff things. You will do things wrong. Let us handle it, and you be quiet about it."

Mr. BOBO. Did you go back to see them later to determine what investigation has been made?

Mrs. THOMS. Well, Mr. LaGrossa had come to my house, and he said, "This is hopeless, because you are going to have to show us evidence where a boy goes in a store and buys these books, and we will have to see them."

I got one of the boys who sells these books——

Mr. BOBO. How old a boy was this that was selling them?

Mrs. THOMS. He was 13. He said, "I will go in and buy them;" and on the way down he said, "Yes; I handle the post cards, and I have handled about 50 of these books. I buy them from this store-keeper and sell them on the school grounds at a profit."

Mr. BOBO. Did he tell you how much he bought them for, and how much he sold them for?

Mrs. THOMS. He said he bought them for 20 cents, and sold them for a quarter up to 40 cents—whatever he could get from the kids.

I then called Mr. LaGrossa and told him, "This afternoon at 3 o'clock this boy is going to buy this book."

Mr. BOBO. Mr. LaGrossa of the police department?

Mrs. THOMS. Yes. I said, "This boy is going to buy the books. You be there to witness it."

When I got there he was right there in front of the store. I noticed later there were police cars parked on the block; and the boy immediately got nervous and said that this man in the store was his friend. He said, "I am not going to get him in trouble."

He immediately backed out. I said to Mr. LaGrossa that he told me he got them from that man.

Mr. BOBO. Do you know what the man's name and the store was, and the store name?

Mrs. THOMS. No; just the name of their store is Jean and Al.

Mr. BOBO. Where is that located?

Mrs. THOMS. On Broadway in Fairlawn. It is right next to a bicycle store that all the boys patronize. The man that owns the store is very friendly, and his wife is there. I usually drive over. It was a nice store; but right next door was the candy store where on a hot day they would go in for a coke. My son went in for a coke this day, and the owner said, "Would you like to buy some funny books," so they said, "Sure."

The man gave them these two books. He said he destroyed them immediately when he saw what was in them, but that proved where they came from; and they said they know the boys would go in there and buy these books and sell them on the school grounds.

Mr. BOBO. Did you question the man as to whether or not he sold the books?

Mrs. THOMS. That day Mr. LaGrossa called the owner outside and said, "Did you sell this boy obscene books?" and he said, "Of course not."

He said to the boy, "Did this man give you the books"; and he said, "No."

He said, "You go back in the store."

As soon as he went in the store the boy said, "Of course he did; I have 50 of them, and post cards too, but I don't want to get them in trouble." He said that to Mr. LaGrossa.

I said, "Isn't that enough evidence?" His mother was there witnessing it, too. I said, "Why should this boy lie?"

Mr. BOBO. Mr. Thoms, did you go down and question this man at any time?

Mr. THOMS. Yes.

Mr. BOBO. Did he admit to you he was selling them?

Mr. THOMS. No.

Mr. BOBO. He never admitted it?

Mr. THOMS. No.

Mr. BOBO. You never knew except what the students told you?

Mr. THOMS. He merely told me when he took the business over that the books were in the store, and upon seeing them he destroyed them; and he claimed they were in a cigarbox under the counter; and, of course, the boys' remarks were it was a cigarbox when they were purchased by the children in town even after he took the store over.

Chairman KEFAUVER. Thank you very much, Mr. and Mrs. Thoms.

Mr. MARTIN. Mr. Ben Himmell.

Chairman KEFAUVER. Mr. Himmell, do you object to these lights?

Mr. HIMMELL. Yes; I do.

Chairman KEFAUVER. You have been subpoenaed to appear here. Will you be here in the morning at 10 o'clock?

Mr. HIMMELL. What is this about?

Mr. BOBO. We asked you to bring in your books and records as to your business dealings and the type of work which you are doing.

Mr. HIMMELL. In other words, you want my business books?

Mr. BOBO. Yes, sir; according to the directions that were given on the subpoena.

Mr. HIMMELL. I received that subpoena at 8 o'clock this morning.

Mr. BOBO. Could you have those books and records here by 10 o'clock in the morning?

Mr. HIMMELL. I will call my accountant and find out.

Chairman KEFAUVER. You do the best you can to get them here by 10 o'clock in the morning.

I regret we cannot carry on this afternoon, but Senator Langer and I have to go back for a vote this afternoon, so we will stand in recess at this time until 9 o'clock in the morning.

Any witnesses under subpoena who haven't been told a special time to come back will report in the morning, and we will hear them then.

(Whereupon, at 12:30 p. m., May 24, 1955, the subcommittee recessed until 9 a. m., May 25, 1955.)

JUVENILE DELINQUENCY

(Obscene and Pornographic Materials)

THURSDAY, MAY 26, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
TO INVESTIGATE JUVENILE DELINQUENCY,
New York, N. Y.

The subcommittee met, pursuant to notice, at 9 a. m., in room 1705, United States Courthouse, Foley Square, New York, N. Y., Senator Estes Kefauver, chairman, presiding.

Present: Senator Estes Kefauver.

Also present: James H. Bobo, chief counsel; Peter N. Chumbris, associate counsel; Vincent Gaughan, special counsel; Edward Lee McLean, editorial director; George Butler and George Martin, consultants to the subcommittee.

Chairman KEFAUVER. The subcommittee will come to order.

I regret exceedingly the situation we were confronted with yesterday in not being able to continue our hearing; but we had a very important piece of legislation in the Senate which I thought would be voted on Friday of this week, but it was decided to vote on it yesterday.

I am sorry we inconvenienced some witnesses.

We hope that Senator Langer will be with us later today, but we will have to carry on. I dislike very much having a one-Senator hearing, but, under the circumstances, we will have to proceed as best we can.

Again I want the witnesses and the public, or anyone, to know, if anyone's name is used adversely, and they want to make any explanation, they are invited to appear immediately, and the subcommittee will give them a chance to testify and make any explanation.

Before hearing our first witness today, I want to take this opportunity to comment on our hearings thus far, and to say what it is that we hope to achieve as a result of these hearings.

In my view a congressional committee, given a specific problem, has as its first and primary responsibility the production of legislation designed to remedy the situation which produces the problem. That is the purpose of the Juvenile Delinquency Subcommittee under my chairmanship.

However, we cannot legislate intelligently in a vacuum. We must know the facts. We find these facts by investigation and in public hearings such as this one. At the same time, because these hearings are open to coverage by all the media, we inform the public of the

conditions we have discovered; and in my view no problem is ever solved without public awareness and interest.

In our hearings here Tuesday we established the relationship between pornography and juvenile delinquency. We did this through the expert testimony of Dr. Benjamin Karpman, the famous criminologist and psychiatrist of St. Elizabeths Hospital in Washington; by the testimony of the Rev. Daniel Egan, who has done so much work with youth for the Catholic Church; Mr. William Deerson, director of discipline at Haaren High School, New York; and Mr. Eugene O. Cavanaugh, head of the youth squad of the New York Board of Education.

We established the nationwide aspects of pornography through the testimony of Mr. Peter N. Chumbris, associate counsel of this subcommittee, and I am informed by counsel that we shall further show the nationwide aspects in testimony of police and public officials of different cities today. This interstate aspect will also be shown by documentary exhibits which will be offered in evidence.

During the course of today's hearings we hope to learn through the testimony of subpoenaed witnesses of certain information concerning the production and distribution of this material which we do not now have.

I want to reemphasize that the material we are talking about is not the art magazines, so-called—not the various girlie and gossip publications, which certainly border on the pornographic—but the undeniably lewd, lascivious, sadistic, and perverted publications; the kind which Dr. Karpman testified might very well upset the delicate sex balance of a juvenile in formative years, and which Father Egan testified could not help but affect any juvenile “who has blood in his veins.”

This material, I am informed by counsel, goes into all 48 States.

I am convinced at this stage of the hearings that certain Federal legislation is needed. Our committee as a result of our preliminary investigations into these problems recommended and the Senate at its present session has adopted Senate bills 599 and 600.

These bills make it illegal to transport obscene literature across State lines in private conveyances. It is already illegal to transmit such literature through the mails. I intend to take the information gathered at these hearings and go before the House Judiciary Committee, where these bills are now pending. I hope with this additional information to be able to convince the House of the desirability of this legislation.

Several other proposals for legislation have occurred to me during these hearings, and we will develop further.

They are, to make it illegal to ship in interstate commerce any publications which do not include the name and address of the publisher, or, in the case of those published outside of the United States, the name and address of the distributor in this country.

The spelling out in legislation of a clearer and more definite definition of pornographic literature, which would include the various forms of perversion.

To strengthen Post Office regulations, permitting the impounding of obscene literature.

Increasing the penalties for publishing or peddling pornographic literature.

Strengthening the customs laws which we will have a good deal of testimony about during this hearing.

Before we start I have been advised by counsel that Father Egan wished one point of his testimony corrected. I think his testimony indicated that certain publications he had brought to me in my office at Washington had been purchased in Washington. I am advised that Father Egan says they were purchased elsewhere and brought to my office in Washington. I am glad to make that correction.

Mr. Bobo, are there any preliminary matters before we get started?

Mr. Bobo. I would like to call the names of the witnesses who will appear today. Inspector Roy Blick; Commissioner Lawrence A. Whipple; Sgt. Alfred Jago; Detective John Higgins; Al Stone, alias Abraham Rubinstein, Al Rubin, Abraham Rubin, Rubin Stone, and Stony Rubin White; Sgt. Joseph Brown; Lt. Ignatius Sheehan; Edward Mishkin; Arthur H. Sobel; Abe Rotto; Lou Shomer; William Landsman; and George Fodor. If there are any witnesses under subpoena at present, I wish you would make yourselves known at this time.

Chairman KEFAUVER. Any witnesses from out of the city, I think we ought to try to have them today, because we have held them here for several days. Are there any others from out of the city?

Mr. GANGL. What about Mr. Klaw?

Mr. Bobo. Due to the fact that we didn't have a hearing yesterday, we have scheduled Mr. Klaw to appear on Tuesday, so you will be excused today.

Mr. GANGL. To return Tuesday?

Mr. Bobo. Tuesday at 9:30.

Chairman KEFAUVER. Let us say 10.

Mr. GANGL. I would prefer 10, if the committee would permit that.

Chairman KEFAUVER. 10 o'clock. Is that convenient with you?

Mr. GANGL. Yes. That would be June 1, I take it?

Chairman KEFAUVER. The day after Memorial Day.

Mr. Bobo. Inspector Roy Blick.

TESTIMONY OF INSPECTOR ROY BLICK, HEAD OF VICE SQUAD, POLICE DEPARTMENT, WASHINGTON, D. C.

(Roy Blick was duly sworn.)

Chairman KEFAUVER. Our first witness is Mr. Roy E. Blick, Inspector in Charge, Morals Division, Metropolitan Police Force, Washington, D. C.

I have known Mr. Blick a number of years. I think he is capable, hard-working, effective police officer. We appreciate the cooperation you have given our subcommittee, Mr. Blick. We are glad to have you here with us.

Mr. Bobo, will you proceed.

Mr. Bobo. Mr. Blick, you are an inspector of the Washington Metropolitan Police Department?

Mr. BLICK. I am.

Mr. Bobo. You are the head of what is known as the morals squad?

Mr. BLICK. I am.

Mr. Bobo. The vice squad?

Mr. BLICK. I am.

Mr. BOBO. How many years have you been employed with the Washington Police Department?

Mr. BLICK. 24 years.

Mr. BOBO. And of that number of years, how many years have you been connected with the vice squad?

Mr. BLICK. All except 3 weeks.

Mr. BOBO. For how long have you been head of the vice squad in Washington?

Mr. BLICK. I would say around 18 years, 19 years.

Mr. BOBO. Coming within the jurisdiction of the vice squad on the Police Department, is pornographic material within the jurisdiction of your squad?

Mr. BLICK. It is.

Mr. BOBO. When I speak of pornographic material, would you describe what pornographic material comes within the jurisdiction of your squad?

Mr. BLICK. Filth.

Mr. BOBO. Made up of books, pamphlets, film, phonograph records?

Mr. BLICK. Yes, sir.

Mr. BOBO. Lewd and perverted character?

Mr. BLICK. Obscene, indecent, and lascivious.

Mr. BOBO. Do you have any record of the number of arrests which you have made within the last 2 years of persons dealing, producing, or distributing pornographic material?

Mr. BLICK. I have.

Mr. BOBO. What is the number of persons that have been arrested in Washington during the last 2 years for dealing in this type of material?

Mr. BLICK. Approximately 34, to the best of my knowledge.

Mr. BOBO. Are all of those persons adults?

Mr. BLICK. All except 2 or 3.

Mr. BOBO. What was the age of the 2 or 3 that were not adults?

Mr. BLICK. One was 17, and the other one was 15 or 16, if I recall correctly.

Mr. BOBO. Among those selling pornographic material, adults and juveniles alike, have you had any occasion to notice whether or not pornographic material was sold or distributed to those of juvenile age?

Mr. BLICK. Mr. Bobo, we have received complaints on juveniles receiving this pornographic material, and we go out to make an investigation. We find out that it is true that at times these kids do have, or that juveniles do have in their possession photographic material that is classified obscene and indecent.

Mr. BOBO. Do you have any record of where specifically pornographic material has been sold to juveniles, either sold or exhibited to juveniles?

Mr. BLICK. Only by hearsay. This material is sold from under-the-counter. I could not under oath say that it was actually sold to the juveniles. We have found it in their possession. We have raided places within the bounds of the school area, and have found with a search warrant material that was obscene and indecent.

Mr. BOBO. Inspector, did your squad or did a member of the Washington Police Department—did he or did he not pick up a deck of 52 supposed playing cards showing 52 various forms of perversion from a youngster of the age of 13?

Mr. BLICK. We did.

Mr. BOBO. Did you receive any explanation from this youngster as to where he received this deck of cards?

Mr. BLICK. If I recall correctly, that he bought them from some other person, but he did not know who it was from.

Mr. BOBO. Are you familiar with this particular type of pornography—a deck of playing cards?

Mr. BLICK. I am.

Mr. BOBO. Do you find that this particular type of pornography is widespread in distribution?

Mr. BLICK. It is.

Mr. BOBO. Do you know the selling price of a deck of these pornographic playing cards?

Mr. BLICK. The cheapest set you can buy them for, the black and whites, are \$5. They run from \$5 to \$8 a pack. The colored ones run from \$8 to \$12 a pack.

Mr. BOBO. In your experience in Washington with the morals squad or vice squad, have you had occasion to run across pornographic movie film?

Mr. BLICK. I have.

Mr. BOBO. Have you ever known of any case of pornographic movie film being sold or exhibited to minors and teenagers?

Mr. BLICK. I have.

Mr. BOBO. Did your squad conduct a raid in the city of Washington, D. C., at the Don Pallini Dance Studio?

Mr. BLICK. They did.

Mr. BOBO. On what date was this?

Mr. BLICK. March 18, 1953.

Mr. BOBO. In conducting this raid what were the number of teenagers and minors who were present at the Don Pallini Dance Studio?

Mr. BLICK. 197.

Mr. BOBO. Ranging in age from?

Mr. BLICK. Eleven years up.

Mr. BOBO. Did you confiscate a film from this particular studio?

Mr. BLICK. I did.

Mr. BOBO. What was the length of the roll of film which you confiscated, Inspector?

Mr. BLICK. Approximately 1,800 feet.

Mr. BOBO. Did you determine what the price to view this film for these adolescents and teen-agers was?

Mr. BLICK. The tickets were being sold for \$5 per person.

Mr. BOBO. Did you confiscate any of these tickets?

Mr. BLICK. I did.

Mr. BOBO. Do you have any of them with you at the present time?

Mr. BLICK. I do not. I believe that I have a copy.

Chairman KEFAUVER. Here is one. It says:

Colossal good time tonight. Admit one. Entertainment, buffet style, movies, beverages.

We will file this for the subcommittee.

(The ticket was marked "Exhibit No. 10," and is on file with the subcommittee.)

Mr. BOBO. What was the nature of the 1,800 feet of film which was to be shown this evening?

Mr. BLICK. The first 150 or 200 feet of film was just a hula dancer, which is a great trait for these promoters, in case that someone should walk into these places before the film gets started, and they would walk out and say they are just having a good time.

The rest of the film was the filthiest that I have ever seen in my life.

I had Dr. Corning of the public schools, by permission of Mr. Rover, who is a United States district attorney, to invite ministers from the different churches, and the PTA and civic organizations to come down, and newspapermen, to view the pictures. There were quite a few of them who before the picture was completed were sick from the filth that was in the picture.

Mr. BOBO. Do you have the names of the people who were showing this film, or exhibiting it?

Mr. BLICK. I do.

Mr. BOBO. Did you make an arrest of these people at that time?

Mr. BLICK. I did.

Mr. BOBO. What were the names of these people, Inspector?

Mr. BLICK. Phil Stone and Fred Sanders.

Mr. BOBO. Where do they live?

Mr. BLICK. They live in Washington: one just outside of Washington.

Mr. BOBO. Do you know the city outside of Washington where he lives?

Mr. BLICK. In Prince Georges County.

Mr. BOBO. In Maryland.

Mr. BLICK. Yes.

Mr. BOBO. Was it College Park, Md.?

Mr. BLICK. Yes, sir.

Chairman KEFAUVER. Put in the record the address of each of those men so it will be part of the record.

(The addresses appear on p. 107.)

Mr. BOBO. Did you determine from these persons, Phil Stone and Fred Sanders, where they obtained this film.

Mr. BLICK. I tried to, but there was very little information from these people at first. Nobody knew the ownership of the film; no one knew anything about it.

When we came in we came in a little too early, and I was thankful that we did; that we prevented these kids from seeing such pictures.

They had cut off the lights, and we gave them about 10 minutes and we crashed the door and went up, and only the screen was up.

One of my men caught one of the men going across the roof of the rear with the film, and he chased him back into the place.

We questioned the older men that were up there, and they were the paters of the fraternity.

Chairman KEFAUVER. What does that mean?

Mr. BLICK. A pater that is supervising the children. When I seized the machine, and the man knew he was going to lose the machine, he then admitted that he was the one that was going to put the show on. That was Philip Stone.

Mr. BOBO. Do you mean by that "sponsor of the film"?

Mr. BLICK. No; the pater, as far as I can learn, is the overseer of the organization that these kids belonged to.

Mr. BOBO. This was a high-school fraternity?

Mr. BLICK. Yes, sir. There were three schools involved.

Mr. BOBO. Three high-school fraternities all belonging to the overall same group, except the chapters of them?

Mr. BLICK. That is right. The following day we got a warrant for Fred Sanders and Philip Stone. They had a hearing in the district attorney's office, and Fred Sanders stated that Antonelli, who was the father of one of the boys, had come to him to see whether he could get some pictures to show to the boys.

Sanders stated that he worked with Phil Stone, who had a motion picture machine, and that he made arrangements with Stone to show the pictures.

Stone admitted to it and plead guilty to the charge of possession and exhibiting obscene and indecent pictures.

Mr. BOBO. Phil Stone lives at 4314 Rowalt Drive, College Park, Md?

Mr. BLICK. Yes, sir.

Mr. BOBO. And Fred Sanders lives at 4921 4th Street NW., Washington, D. C.?

Mr. BLICK. Yes, sir.

Mr. BOBO. Did you receive any information from these men that they had received this film from one George Fodor?

Mr. BLICK. Later on I received information that Stone had received this film from George Fodor, from whom we made a purchase of about five-hundred-and-some-odd dollars of material in order to get into his house.

Mr. BOBO. When you speak of material, you are speaking of pornographic material?

Mr. BLICK. Yes, sir.

Mr. BOBO. Is that decks of cards, books, magazines, pictures?

Mr. BLICK. Cards, film, pictures, anything that was indecent or obscene.

Mr. BOBO. Did you discover whether or not Mr. Fodor had previous records of dealing in obscene and pornographic material?

Mr. BLICK. At that time, no, sir.

Mr. BOBO. Did you determine at a later time whether or not he has dealt in obscene and pornographic pictures?

Mr. BLICK. Mr. Fodor is from Tel Aviv, and Mr. Stone has a previous record.

Mr. BOBO. In what cities did Mr. Philip Stone operate?

Mr. BLICK. Canada, New York.

Mr. BOBO. Where in Canada?

Mr. BLICK. Ottawa, if I recall correctly. *

Mr. BOBO. Ottawa, Canada?

Mr. BLICK. Yes, sir.

Mr. BOBO. Could it have been Toronto, Canada?

Mr. BLICK. It could have been; yes, sir. He stated that someone had put that in his trunk. He said that he was an innocent victim of that.

Mr. BOBO. Did you determine whether or not he had ever operated in Miami, Fla.?

Mr. BLICK. Yes, sir. He had four 16-millimeter sound machines in Miami; and he was confronted with that, and he stated he used these machines to go around to the different hotels to show old type movies.

Mr. BOBO. Do you know of any other cities in which Mr. Stone has operated, that your investigation showed, besides Toronto, Canada, and Miami, Fla., and Washington, D. C.?

Mr. BLICK. Offhand, no.

Mr. BOBO. Do you know whether or not he ever operated in New York City?

Mr. BLICK. He had connections. I know that he had connections here in New York. If you want me to give you the lifeline I will be glad to do so.

Mr. BOBO. What do you mean by the lifeline?

Mr. BLICK. The connections.

Mr. BOBO. Yes; I wish you would give us that.

Chairman KEFAUVER. This is from your police records?

Mr. BLICK. No; it is from my investigation.

Mr. BOBO. From your own knowledge would you give us the lifeline.

Mr. BLICK. Mr. Stone received the film from George Fodor. George Fodor received the film from Ike Dorman, in Baltimore, Md.

Mr. BOBO. Do you have a record of Mr. Dorman?

Mr. BLICK. I do not; no.

Mr. BOBO. Do you know whether or not Mr. Dorman is a known dealer in pornographic material?

Mr. BLICK. I do.

Mr. BOBO. That he has a record of dealing in pornographic material?

Mr. BLICK. It was just in the last 48 hours that I have the record, which has not been sent to me, that we have been working on constantly to locate Dorman.

Mr. BOBO. Will you make this record available to the committee when you receive it?

Mr. BLICK. Yes, sir; I have asked for it to be sent to the committee.

Mr. BOBO. You were describing the lifeline of where the material came from.

Mr. BLICK. George Fodor and Ike Dorman left Baltimore, came to New York, and they met a man named Lou Shomer, and another person by the name of——

Mr. BOBO. On each one of these would you spell out the name, and give us the address of them if you have them.

Mr. BLICK. I do not have the address of Lou Shomer. The other man's name was Ben.

Mr. BOBO. Do you know his last name?

Mr. BLICK. I do not.

Mr. BOBO. Where did he reside?

Mr. BLICK. In New York.

Chairman KEFAUVER. Mr. Blick, any names that you have in your investigation or in your police records, get the names fully, and also the address and the city, so we can identify it in the record.

Mr. BLICK. I think you have, if I may say so, Mr. Chairman, the person who I have reference to at the present time, that he has a subpoena before this committee now, to appear before the committee.

Mr. BOBO. Who are you speaking of there?

Mr. BLICK. Lou Shomer.

Mr. BOBO. Yes, sir; we have Mr. Shomer under subpoena. He is from Brooklyn, N. Y.?

Mr. BLICK. That is right.

Mr. BOBO. How were these materials transported from New York to Washington? Did your investigation reveal that?

Mr. BLICK. My investigation revealed that the car was left, and someone picked the car up; they had drinks while the car had disappeared; when they came back the car was loaded, and they returned to Baltimore by private automobile.

Mr. BOBO. They described to you that they brought their automobile to New York City, left it? Did they tell you where they had left their automobile?

Mr. BLICK. When you say "they," who are you talking about?

Mr. BOBO. George Fodor and Ike Dorman.

Mr. BLICK. Neither one of them told me a thing. It was through my investigation, from confidential sources that I cannot reveal.

Mr. BOBO. Do you have any estimate, Inspector, as to the number or the value of seizures of pornographic material that you have confiscated in Washington within the past 2 years?

Mr. BLICK. Conservatively I would say around \$50,000.

Mr. BOBO. Inspector Blick, have you ever seized in the city of Washington any phonograph records which are pornographic in nature?

Mr. BLICK. I have.

Mr. BOBO. Would you describe whether or not these phonograph records portrayed in voice various kinds of sexual activity and perversion?

Mr. BLICK. They do.

Mr. BOBO. How many of these pornographic records have you seized?

Mr. BLICK. A very large quantity of them.

Mr. BOBO. Could you put an approximate evaluation upon these phonograph records?

Mr. BLICK. At the retail value, I would say between ten and fifteen thousand dollars.

Mr. BOBO. Is this a comparatively new innovation in the pornographic field, to your field?

Mr. BLICK. No; it is becoming more popular, though.

Mr. BOBO. Do you know the source of these phonograph records?

Mr. BLICK. I do not.

Mr. BOBO. Are these phonograph records marked with the manufacturers' names?

Mr. BLICK. They are not.

Mr. BOBO. Are there any addresses shown?

Mr. BLICK. No, sir.

Mr. BOBO. Did you bring some of these phonograph records with you to New York City?

Mr. BLICK. I brought the tape recording in preference to the records, because the records could be very easily broken on the way to New York and return.

Mr. BOBO. You will make this tape recording available to the subcommittee?

Mr. BLICK. I will; yes, sir.

Chairman KEFAUVER. Let it be filed as an exhibit.

Mr. Blick, I have been interested in some pictures here that I see. Apparently the place where this movie was being shown—here are some pictures with whisky bottles, and the place is torn up. It looks

like a pretty rough party. How many boys did you say you found there?

Mr. BLICK. Approximately 197.

Chairman KEFAUVER. Will you identify these pictures and state whether they are the pictures made at that place—and file them in the record if they are.

Mr. BLICK. These pictures were taken by a police photographer.

Chairman KEFAUVER. What did you find in the room?

Mr. BLICK. This is the way the kids left the place. It was like a bunch of animals stampeding, trying to get out. After we had been there and called the juvenile squad, for about an hour and a half—one kid jumped out of the window.

Chairman KEFAUVER. Did it hurt him bad?

Mr. BLICK. We thought he was dead, but when he got up and had the doctor examine him, I said, "Why in the world did you jump out of that window?"

He made the remark, "Someone told me the police was coming in."

I said, "We have been in here for about an hour and a half or 2 hours, son."

He said, "I just got the information."

Chairman KEFAUVER. Some of these kids were 11 years old?

Mr. BLICK. Yes, sir.

Chairman KEFAUVER. All of them were under 21?

Mr. BLICK. All of the kids; yes, sir. As I said, some of the men that were there, that were the fathers of the fraternity—they were there.

Chairman KEFAUVER. What else did you find in this room?

Mr. BLICK. Contraceptive material thrown against the wall, and on the floors that the boys had in their possession. Whiskey bottles, beer bottles. Up on the next floor they had crap tables—these portable tables, and card tables.

Chairman KEFAUVER. Mr. Blick, have you been getting information about similar parties of that kind that led you to raid this particular one?

Mr. BLICK. Whenever we get information of this type we work hard, and if we cannot get sufficient evidence to get a warrant to get in, I personally supervise the job to crash it so we can prevent these kids from seeing or having this kind of fun, if you want to call it fun.

Chairman KEFAUVER. There have been other instances of this kind that you have broken up?

Mr. BLICK. Yes, sir.

Chairman KEFAUVER. About how many in the last 2 years in Washington?

Mr. BLICK. Well, in the last 2 years I would say not over 2.

Chairman KEFAUVER. There have been some over a period of a longer time?

Mr. BLICK. Yes, sir. Most of these things are not carried on in public places. A smaller amount of boys, or a mixed crowd, will patronize them; and, of course, we do not get word of it.

Chairman KEFAUVER. Did you establish who owned this Don Pallini dance studio at 2625 Connecticut?

Mr. BLICK. A man by the name of Kurtz. Nick Scholnick was running the place; also known as Nick Martin.

Chairman KEFAUVER. Does he have a police record?

Mr. BLICK. We could not fingerprint him because the District Attorney would not give us papers against him.

Chairman KEFAUVER. Proceed, Mr. Bobo.

Mr. BOBO. At one time you arrested, on February 29, 1952, a Mr. Vincent Chucoski, 607 Fourth Street NW., Washington, D. C.?

Mr. BLICK. I did.

Mr. BOBO. For what was he arrested, and what did he have in his possession, Inspector?

Mr. BLICK. Vincent Chucoski at the time of his arrest at 607 Fourth Street NW, apartment 1, had 14 boxes containing obscene and indecent pictures, assorted photograph supplies, slides with obscene pictures on them, obscene books, and obscene pamphlets, two movie projectors, screens, pictures, dryers, enlargers, slide projectors, 2 rewinders, 10 albums of assorted sizes containing indecent, obscene pictures.

Mr. BOBO. Did you place a value upon this material, Inspector?

Mr. BLICK. You mean a commercial value or what I would value it at?

Mr. BOBO. A commercial value and what you would value it at.

Mr. BLICK. The commercial value of this would run around from one thousand to two thousand dollars. My value of it would be trash.

Mr. BOBO. Did you seize a card file of 500 negatives of pornographic photographs?

Mr. BLICK. I did.

Mr. BOBO. Was this card file indexed according to the type of perversion it represented?

Mr. BLICK. Yes.

Mr. BOBO. Did you determine from this person where the negatives were developed?

Mr. BLICK. They tell you nothing. He developed his own pictures.

Mr. BOBO. Did you determine from this person the extent of the traffic in which he was engaged?

Mr. BLICK. He told us nothing.

Mr. BOBO. Was this person convicted?

Mr. BLICK. He was.

Mr. BOBO. What sentence did he receive?

Mr. BLICK. Sixty days and \$200.

Mr. BOBO. Among these negatives, were there any pictures of juveniles?

Mr. BLICK. There were.

Mr. BOBO. Have you found in pornographic material, both film and pictures, that there is a frequency of juveniles being used as models and to act out these scenes?

Mr. BLICK. I have.

Mr. BOBO. What is the age of the youngest person you have seen posed in these pictures?

Mr. BLICK. About 3½, 4 years old.

Mr. BOBO. Do you find that a number of 14- and 15-year-old boys and girls are portrayed in acts of perversion in these films and pictures?

Mr. BLICK. Not the boys as much as the young ladies.

Chairman KEFAUVER. Don't use any names, but you mentioned a 3½-year-old. Do you want to elaborate on that, Mr. Blick?

Mr. BLICK. Mr. Chairman, my undercover men went to a residence to make a purchase of merchandise of obscene and indecent pictures,

and in his report he reported back that the man at the time was taking a picture of his three children and his wife, all nude. The children were looking at the wife's person.

Chairman KEFAUVER. You have run across a good deal of these very young children being used in that way?

Mr. BLICK. Not as young as that; no, sir; but in adolescents I would say "Yes."

Chairman KEFAUVER. All right.

Mr. BOBO. Inspector Blick, were you familiar with the investigation made by an investigator of this subcommittee involving a person by the name of Joe or Jake?

Mr. BLICK. I have.

Mr. BOBO. The investigator purchased a quantity of obscene material from Jake, who was a street peddler in Washington?

Mr. BLICK. That is right.

Mr. BOBO. Do you have the full name of this person?

Mr. BLICK. James Hammon.

Chairman KEFAUVER. Do you know his address?

Mr. BLICK. Lorton, Va.

Chairman KEFAUVER. That is a penal institution?

Mr. BLICK. Yes, sir. He is serving 2 years.

Mr. BOBO. Do you have his record—the number of times of his arrest?

Mr. BLICK. I do not.

Mr. BOBO. He has been arrested numerous times?

Mr. BLICK. He was arrested so many times, the judge finally said, "I am going to put you away this time to be sure to keep you off the streets."

Chairman KEFAUVER. Tell us in your own experience what can be done to help stamp out this business. In the District of Columbia it is all on a Federal level.

Mr. BLICK. Mr. Chairman, I have personally asked, myself, laws that would help us, because we come under the jurisdiction of the Federal Government. Transportation, regardless of how the transportation might be involved, would be a Federal act.

Chairman KEFAUVER. As it is now it is unlawful to send this stuff through the mails, but the mail statute is vague and indefinite. It is very questionable whether it covers film and phonograph records.

Mr. BLICK. It covers that—anything obscene, indecent, or lascivious, it covers.

Chairman KEFAUVER. There is some question about it, though; but the trouble is that they carry it in trunks in automobiles, and they may not use the mails.

Mr. BLICK. That is right. The Federal law of the ICC—that is interstate transportation—I may carry this suitcase on the train as long as a porter on the train does not touch this suitcase, and you cannot charge me with interstate transportation.

Chairman KEFAUVER. That is the way a lot of it is transported.

Mr. BLICK. That I cannot say, but it is transported. That is the only thing I can say.

Chairman KEFAUVER. How about the stiffness of sentences? Looking over the police records—this is your official record—\$250 or 90 days; \$100 or 60 days; nolle prossed, nolle prossed, nolle prossed, not guilty, nolle prossed, \$100 or 90 days. It looks like the big majority

of them either don't get convicted, or nolle prossed, or have a fine of \$100 or 60 days. Do you think that is sufficient?

Mr. BLICK. I do not.

Chairman KEFAUVER. So you would recommend something more than a misdemeanor?

Mr. BLICK. I certainly do. This is more dangerous than narcotics, because you inject narcotics to an individual and it is over with. These pamphlets, these booklets, can be passed from one to another.

It is the same as a prostitute that can infect an army of men if she is permitted to hang around the camp. It is the same as this pornography that is being passed around. It can be passed from one hand to another, and it is causing a lot of headaches in the country. It is causing kids who are just at the age that they should know right from wrong to become perverts and homosexuals.

Chairman KEFAUVER. Is there any doubt in your mind that a lot of sex crimes that we have had—that is, criminal assault, rape, and other kinds of sex crimes, are the direct result of this pornographic literature that is being distributed?

Mr. BLICK. That would be only my personal opinion.

Chairman KEFAUVER. What is your opinion?

Mr. BLICK. I would say yes, because you would incite the individual that would read such filth, and then he would go out to look for relief.

Chairman KEFAUVER. And there is an increasing percentage of sex crimes, particularly among young people these days.

Mr. BLICK. According to the newspapers; yes, sir.

Chairman KEFAUVER. Mr. Blick, I hand you here what is marked as "Exhibit A." Is that the list of court records of people charged and brought to trial, and what happened to them in the last 2 years?

Mr. BLICK. It is.

Chairman KEFAUVER. Showing what the extent of the sentence was.

Mr. BLICK. Yes, sir.

Chairman KEFAUVER. Let that be filed as an exhibit in your testimony.

Mr. Blick, we appreciate your cooperation and that of Chief Murray, and I want to personally express my thanks for the vigor that you and Chief Murray and your department has been going after this sort of filth in Washington during recent times.

Mr. BLICK. Thank you, Mr. Chairman. You can rest assured that we will continue to do so.

Chairman KEFAUVER. We hope you will continue even more vigorously, if possible.

Mr. BLICK. Thank you, sir.

Mr. CHUMERIS. Mr. Blick, have you also been interested in legislation—confiscating the equipment, the automobiles that pornographers use in their trade?

Mr. BLICK. I have. I think that the law should be passed that where these seizures are taken from an automobile, or a bookstore, that everything—the automobile or the bookstore, or any other store that the buy is made in—should be confiscated. The merchant, or whoever he might be, should forfeit his rights to all of his property within the jurisdiction where the buy was made.

Chairman KEFAUVER. That is the law at present as to narcotics. Also, when any alcoholic beverage—during the time of prohibition—and I suppose now where it doesn't have a Federal stamp on it—it is

not only subject to confiscation, but the vehicle of conveyance is also subject to confiscation.

Mr. BLICK. Yes, sir.

Chairman KEFAUVER. You would have the same thing apply to this pornographic literature.

Mr. BLICK. If we could get the search and seizure from the narcotics section of the narcotics law to apply to pornography, it would be a great help to us.

Chairman KEFAUVER. Thank you, Mr. Blick.

Mr. BOBO. Mr. Lawrence A. Whipple.

Chairman KEFAUVER. You have somebody with you?

Mr. WHIPPLE. I have two men with me.

Chairman KEFAUVER. Commissioner Whipple, you have with you Sgt. Alfred Jago and Detective John Higgins?

Mr. WHIPPLE. Yes.

(Lawrence A. Whipple, director of public safety of Jersey City, N. J., and Sgt. Alfred Jago and Detective John Higgins, of the Jersey City Police Department, were duly sworn by the chairman.)

TESTIMONY OF LAWRENCE A. WHIPPLE, DIRECTOR OF PUBLIC SAFETY, JERSEY CITY, N. J., AND SGT. ALFRED JAGO AND DETECTIVE JOHN HIGGINS, JERSEY CITY POLICE DEPARTMENT, JERSEY CITY, N. J.

Chairman KEFAUVER. I have been told by the members of our staff of the outstanding effort that you, Mr. Whipple, as commissioner, and your associates in Jersey City, have been making—the special drive against pornographic literature, and of the wonderful cooperation you have given. I want to take this opportunity of personally thanking you for helping us, and commending you on your work.

Proceed, Mr. Bobo.

Mr. BOBO. You are Commissioner Lawrence A. Whipple?

Mr. WHIPPLE. Yes, sir.

Mr. BOBO. Director of public safety of Jersey City, N. J.?

Mr. WHIPPLE. That is correct, sir.

Mr. BOBO. Your address is what?

Mr. WHIPPLE. My home address is 92 Bentley Avenue, Jersey City.

Mr. BOBO. For how many years have you been director of public safety?

Mr. WHIPPLE. Since December 15, 1953.

Mr. BOBO. Were you connected with police work prior to that in any capacity?

Mr. WHIPPLE. No, sir; but I was with the Office of Price Stabilization a little over 2 years in the city of New York, as the chief law enforcement officer there, special assistant attorney general under Attorney General Richmond in Newark for approximately a year.

Mr. BOBO. In Jersey City there has been quite a campaign waged by your division and by the police department and by the city against pornographic literature?

Mr. WHIPPLE. That is correct.

Mr. BOBO. Would you tell us about this campaign which you all have waged there?

Chairman KEFAUVER. Tell us in your own words, and if you want to call on Mr. Higgins or Mr. Jago to supplement anything you say, you call on them.

Mr. WHIPPLE. Briefly, I would like to explain it from an administrative viewpoint, and then for the details follow Senator Kefauver's suggestion and let the two policemen carry on from there.

A short time after I went into office I was frankly very concerned with newspaper reports and magazine articles I had read concerning the distribution of this so-called pornographic salacious literature.

I had these two men dispatched to my office to work in what might be called a confidential squad, checking newsstands and certain sources of what we considered might be distribution points for this so-called literature.

I instructed these men to follow any and all leads regardless of whether they considered them crank letters or any letters of any kind from citizens or anybody in any capacity in the city that reported the seeing or finding of this literature on stands.

Together with this one of the denominations in the city—I don't want to mention it unless you give me permission to—started a concentrated campaign in their parish, and a certain clergyman was put in charge.

Chairman KEFAUVER. Anything worthwhile like that, mention the names.

Mr. WHIPPLE. St. Adens Roman Catholic Church. Father Van Wie happens to be in charge. He and Father Belger, also from St. Nicholas Roman Catholic Church—they formed committees in their parish, comprised primarily of women who went out and visited all the newstands, stationery stores, cigarstores or candy stores where this literature might be found.

They called weekly and biweekly meetings. The women would go out like a vanguard or a vigilante committee, if you might call it such. They would come back and report the locations of where these periodicals were being sold.

The priests would send somebody from the police department, or one of these women, or both, to this man; talk to him about the effect that the sale and distribution of these periodicals would have upon the juveniles, particularly in the locality, and ask him to cooperate with the drive; to clear the stands of this literature.

I would say that in more than half the instances the dealers cooperated. They in turn would receive an emblem or a shield which would be pasted on the window of their stores or establishments, where they were selling their merchandise, with wording something like "Approved." It was a little short gold emblem.

In some instances we met resistance. I can recall 2 instances where I happen to know counsel who represented 2 of these people. I called them in together with one of the clergymen. We spoke to their counsel, who in turn spoke to his client, and they immediately cooperated and received a shield.

This has worked tremendously well in the city of Jersey City.

Statistics I don't have at my fingertips, but I tell you frankly and very honestly as far as this city is concerned, this is one problem that has not come to the surface as yet. I don't dare say it doesn't exist there, but if it does it is well hidden.

Chairman KEFAUVER. You mean you have got it under control?

Mr. WHIPPLE. Yes, sir.

Chairman KEFAUVER. And you have substantially eliminated it?

Mr. WHIPPLE. Yes, sir.

Chairman KEFAUVER. Are you keeping up this effort?

Mr. WHIPPLE. Yes, Senator. It is a day-to-day operation, and these men have instructions that is their primary job in the department of public safety, to stay on top of this problem and keep this filth off the newsstands in the city of Jersey City.

I have styled this program a community-counteraction program, and I don't want to leave the impression that only the Catholic Church is doing something about this; because I firmly believe that whether it be Catholic, Protestant, or Jewish, any civic association or society, or religious society, could do the same thing or follow the same pattern.

It is my firm belief that this must start right at the community level with the cooperation of all civic, fraternal, and religious societies and associations, to rid society of what I consider to be a real menace today.

Chairman KEFAUVER. We have information that churches of all denominations are doing similar very worthwhile kinds of activities in different parts of the country, so that they are all interested.

Tell us what condition you found when you started out in this effort, or do you want to get one of your men to help out?

Mr. WHIPPLE. Perhaps one of the policemen should answer that.

Sergeant JAGO. When we were given this assignment we made checks at different times of the day in and around the school areas, stationery stores, where most of the juveniles would congregate during lunch hours and after school.

We checked most of these newsstands, and the ones we did find we confiscated—there might have been 6, 10, 12 books around. We made visits later on and we kept it down more or less to a pretty good minimum.

Mr. BOBO. Did you find this pornographic material the type of material which you are speaking about, among schoolchildren or children of young age?

Sergeant JAGO. No, we didn't find it among the children. It was just salacious books that were in the stores. That was primarily our investigation—to keep that down, because we did receive a few complaints from different parishes that there was some of it around; but up until the time that we—back in April—we didn't run into any of the pornographic material at all.

Mr. BOBO. You were aiming primarily at the comic book and paper-bound book in the newstands at this time?

Sergeant JAGO. That is right.

Mr. BOBO. You say in April you ran into the pornographic literature trade?

Sergeant JAGO. That is correct.

Mr. BOBO. Did it come to your attention this was coming into the hands of juveniles?

Sergeant JAGO. At that time due to our efforts in going around we had in the course of our stopping different people and going into the different stores, we more or less created a good fellowship, and we received a call on April 23 that there was some strange thing going on in the basement of one of the houses in our city.

Chairman KEFAUVER. April 23 of last year?

Sergeant JAGO. This year, sir, 1955. Two officers were dispatched around there, and when they went in—two policemen went down into the basement.

Mr. BOBO. Would you give us the address of where you are talking about.

Sergeant JAGO. Five hundred and forty Ocean Avenue, in our city.

Mr. BOBO. Do you have the name of the occupant of that property?

Sergeant JAGO. It so happened that the boy—his parents were the owners of that property, and he lived about 3 or 4 streets away from there, but he did take these boys into that particular building, but he didn't reside there.

Mr. BOBO. His name was what?

Sergeant JAGO. Joseph Cinnelli.

Mr. BOBO. What is his address?

Sergeant JAGO. Forty-three Clerk Street, Jersey City.

Mr. BOBO. All right, sir.

Sergeant JAGO. Two officers went into the basement, and there were make-shift chairs or benches there, and there were six boys between the ages of 18 and 21, and were at the stage where they were going to witness Cinnelli showing these rolls of film. At that time he had six to be shown. He did not start his operation when the policemen arrived.

Mr. BOBO. Were these 16-millimeter, 8-millimeter—

Sergeant JAGO. He had six 8-millimeter at that time.

Mr. BOBO. Were they black and white, or colored?

Sergeant JAGO. They were black and white.

Chairman KEFAUVER. The chap whose name you gave, is he a juvenile?

Sergeant JAGO. He was 27 years of age.

Chairman KEFAUVER. How old were the kids arounds?

Sergeant JAGO. The boys were between the ages of 18 and 21. Two of them were in the service, in the Army, and four were leaving the following week to go into the service; and this was a little going-away party they were having at that time.

He was taken to the precinct and questioned, and after talking to him for a while he did admit that he had 4 more rolls of film at home; so the detectives went down to the house and came back with some more—all told he had 10.

Mr. BOBO. Did he tell you where he had received these films from?

Sergeant JAGO. At that time he did not. That was on Saturday night. Over the weekend he was confined to City Prison, and Monday morning we asked the magistrate to postpone the case for 24 hours to see if we could get the source of his supply. The judge granted our request.

We took him to a captain's office in the precinct where the court is also located, and we talked to him for practically 2 hours. He finally cooperated and gave us the name of the man who was supplying him, who on five different occasions he had bought film from.

Mr. BOBO. What was that man's name?

Sergeant JAGO. At that time he gave us the name of Smitty. He knew him as "Smitty," and all he had was a phone number.

Mr. BOBO. Did he give you the phone number at that time?

Sergeant JAGO. He did, sir.

Mr. BOBO. What was that phone number?

Sergeant JAGO. At that time the phone number was Schuyler 4-1800.

Mr. BOBO. Was that in Jersey City, N. J.?

Sergeant JAGO. No; that is in New York City. It is a hotel in New York City at 91st Street and Broadway.

Mr. BOBO. What is the name of that hotel?

Sergeant JAGO. The Greystone Hotel.

Mr. BOBO. Did you check with that number to determine who Smitty was?

Sergeant JAGO. We checked with that number, and made a call for Smitty, and we stayed by the phone because Smitty wasn't around; but we were told to stand by; that he would get in touch with us—by the operator in that hotel.

Maybe about half an hour later we received a call from the man known as Smitty. We spoke to him on the pretext that I was Cinelli. I asked him could he sell me some film.

He said, "Sure, I will be right over."

I said, "I don't want it now. How about tomorrow?"

Through our investigation knowing this man had never been in Jersey City, we made an appointment for Secaucus, which is adjacent to our city.

Mr. BOBO. Secaucus, N. J.?

Sergeant JAGO. Yes, sir. The next morning we had made a date to meet him at 10:30, the next morning. Fortunately we were there at 9:30, and Smitty got off a bus, carrying a brown leather bag; and at that time we went over and apprehended him.

Mr. BOBO. What was the quantity of material that you seized from him?

Sergeant JAGO. He had in that bag at that time, which was the 26th of April, he had thirteen 8-millimeter rolls of film, and one 16-millimeter. He had 216 still photographs, one rubber penis, three decks of obscene playing cards, 70 cartoon books, six magazines, and 50 French story books.

Mr. BOBO. We have here an envelope marked "Exhibit No. 5". Can you identify this envelope and say whether or not it contains material seized in that particular raid? Do you have the deck of 52 playing cards showing different pictures of various forms of perversion?

Sergeant JAGO. Yes, sir.

Mr. BOBO. Between men and women?

Sergeant JAGO. Yes, sir.

Mr. BOBO. Did you determine the selling price of those?

Chairman KEFAUVER. Can you identify that?

Sergeant JAGO. Yes; that is the material that he had on his person when he was apprehended.

Chairman KEFAUVER. The committee staff will take possession of it.

Mr. BOBO. What was the value of the material?

Sergeant JAGO. His estimate was about \$500 at that time. He said it was worth about \$500. He gave us information on the still photographs which he had 216 of. He said he would receive 50 cents apiece, but like all peddlers, he would take 40 cents or he would take 35 cents if that is all you had on your person.

Mr. BOBO. How much did he offer to sell it to you for. Did he determine the sale price to you?

Sergeant JAGO. Yes; he said 50 cents. Of course, he didn't stick right to the price. The decks of obscene playing cards, which were just displayed here, they were selling for \$2 a deck. Magazines, he had six of them. They were \$2.50 apiece. The French story books were anywhere from 2 to 3 dollars.

Mr. BOBO. Did you determine from him how many trips he made back and forth between New York City and into Jersey City?

Sergeant JAGO. Well, he had never been into Jersey City.

Mr. BOBO. Or into New Jersey?

Sergeant JAGO. He did give us information that he did come in around the docks of Hoboken, and also on one occasion he had made a sale to Cinelli in Secaucus.

Mr. BOBO. Did you get his police record?

Sergeant JAGO. We never received a police record on him because the arrest was made in Secaucus; but I don't believe he had a police record, because nothing ever came back; but I know with the cooperation we received from the Secaucus Police Department, if a record came back he would have sent it to us.

Chairman KEFAUVER. He distributed it around in several different places?

Sergeant JAGO. He did.

Chairman KEFAUVER. How did he come to you with that—in a suitcase?

Sergeant JAGO. He had this in a man's overnight bag. He had this material in there, and he came over on the bus from the Port of Authority Terminal into Secaucus. The buses run over through the Lincoln Tunnel, and out that way.

When he came to Hoboken he used to come over on the ferry—at Hoboken, around the docks, 14th Street, the Bethlehem Steel places.

Chairman KEFAUVER. Proceed.

Mr. BOBO. I have a picture here that I would like you to identify—a photograph of the bag this material came in.

Sergeant JAGO. Yes. In the photograph the bag is on the left, and the other material is stuff that was seized later on.

Mr. BOBO. What disposition was made of the case?

Sergeant JAGO. At a hearing in Secaucus, before Magistrate King, he was given a year on a disorderly person charge—a year in the county jail. He was held under \$10,000 bail for the action of the grand jury of the possession of the obscene literature and the films.

Mr. BOBO. I don't believe you ever gave us for the record what his correct name was, other than the name of Smitty.

Sergeant JAGO. His correct name was Andy Bruckner.

Mr. BOBO. Is he at present confined in the county jail?

Sergeant JAGO. The information we received Tuesday night, after being here on Tuesday, was that he was released Tuesday evening on an appeal on the disorderly person charge.

Mr. BOBO. He is now under bond?

Sergeant JAGO. Yes; and a subpoena by your committee was served on him.

Chairman KEFAUVER. He is the one we were trying to get out of jail to bring over here?

Sergeant JAGO. That is correct.

Chairman KEFAUVER. He is now under subpoena?

Sergeant JAGO. Yes. A subpena was served on him as he left the jail on Tuesday evening.

Chairman KEFAUVER. All right, sir.

Mr. BOBO. Did you participate in the arrest of a person by the name of Selig Wildman?

Sergeant JAGO. No; I did not participate in that arrest at that time. That is going back to 1951.

Mr. BOBO. In 1951 were you familiar, or do you have the record of that case with you?

Sergeant JAGO. I have a report here from our police department. We knew about the case, but we were assigned to another precinct at the time, and it is only since Commissioner Whipple has become director that we were given this assignment insofar as lewd material. I have a record of that particular case going back to November 21, 1951.

Chairman KEFAUVER. Tell us about it.

Sergeant JAGO. Well, it seems there was some information received at that time by Chief James L. McNamara concerning some material that was being sold in Ohio. There was a gentleman, a truck-driver, who was apprehended there, and he had some material; and he gave the police information in Ohio that he did buy it from a fellow in Jersey City, who does business around truck depots.

The chief assigned Lt. Mark Fallon at that time, who is now a captain, and Detective Carroll to see if he could apprehend this man as he was coming over our highways. He was arrested November 21, 1951, in a truck. I believe it was about a 2-ton panel delivery truck which he was using, which we have a picture of here, and I believe your committee has some photos, too. This is an enlargement of the one that we did originally give you.

Chairman KEFAUVER. That is a photo of what you found in the truck?

Sergeant JAGO. That is the truck that he was using to transport the material.

Chairman KEFAUVER. Let these pictures be filed as exhibits.

Sergeant JAGO. When they apprehended him with the truck they brought him to police headquarters, and at that time they found books, cards, pictures, pamphlets, and other obscene literature, and also in his truck he had men's work gloves and overalls, and stuff that he would sell at these depots, and while making a sale of this particular type he would also try to induce them to buy some of this obscene material, which he did sell to them; and if they went on the road to some other city they would dispose of it there or keep it for their own use.

Mr. BOBO. Did you investigate that truckdrivers bought this material and transported it to other cities?

Sergeant JAGO. The original complaints came from Ohio, from the chief of police of one of the cities in Ohio, that a man arrested there gave information that he bought it from Wildman.

Mr. BOBO. He was the truckdriver that picked it up in Jersey City?

Sergeant JAGO. That is correct.

Mr. BOBO. Was there any evaluation placed on the seizure?

Sergeant JAGO. There was no evaluation, but it was given in tonnage. They did search his garage where he lived. He did reside

at that time at 233 Union Street, in Jersey City; and they found in his garage about a ton of this particular type of material.

Chairman KEFAUVER. Since he has been arrested and has a record, will you give his full name and address.

Sergeant JAGO. His full name is Selig Wildman.

Chairman KEFAUVER. What is his address?

Sergeant JAGO. He is 66 years of age. He was then in 1951. He lived at 233 Union Street, Jersey City.

Mr. BOBO. Was he tried and convicted?

Sergeant JAGO. He was tried and convicted, and sentenced to 2 to 3 years in State prison.

Mr. BOBO. At the present time he is in the State prison?

Sergeant JAGO. No; he has been released. He has served his sentence.

Chairman KEFAUVER. This is the sign that you put in the stores that complied to get rid of all that material?

Mr. WHIPPLE. That is right.

Chairman KEFAUVER. Let that be filed for the record as an exhibit.

Mr. BOBO. Detective Higgins, did you have anything you wished to add to what Sergeant Jago has testified to?

Detective HIGGINS. Sergeant Jago covered it pretty well, but he didn't mention the seizure in New York. I was designated, together with a sergeant from Syracuse, and we came——

Mr. BOBO. What was his name?

Sergeant JAGO. I have it here, sir. Gustave Nicolai.

Detective HIGGINS. Sergeant Nicolai and I came to New York to make a seizure of some salacious literature and obscene books. Bruckner had given us the address of his hotel.

Mr. BOBO. The Bruckner you speak of is Andy Bruckner who was mentioned in previous testimony?

Detective HIGGINS. That is right, sir. He gave us permission to come over and get the rest of this material. We went to the 100th Street Station, and we picked up Detective Vincent Satriano. He was of the 24th squad.

Chairman KEFAUVER. The New York City Police?

Detective HIGGINS. New York City. We went to room 411 with the superintendent of the hotel, or the manager of the hotel.

Mr. BOBO. Room 411 of what hotel?

Detective HIGGINS. Greystone Hotel, 91st Street and Broadway. We seized 14 rolls of film and quite a quantity of other literature—magazines and story books. There were 3 steel suitcases containing 12 rolls of 8-millimeter film, and two 16-millimeter films; 6 cartons of material—the same type that was found in the bag he was carrying when he was arrested.

I think your committee has a photo of the material that was picked up in New York. It is right here in this picture. He valued it at about \$600.

Mr. BOBO. Did you determine whether Mr. Bruckner ever operated in any States other than the States of New York and New Jersey?

Detective HIGGINS. He said that was about the area that he covered—New Jersey and New York.

Chairman KEFAUVER. Who is the New York policeman who co-operated with you?

Detective HIGGINS. Lieutenant Weiss was the desk officer in charge of the 24th squad, and Detective Vincent Satriano, shield No. 1646, 24th squad, New York City.

Chairman KEFAUVER. You had an authorization from Bruckner to come over and pick up the rest of this?

Detective HIGGINS. Yes, sir.

Chairman KEFAUVER. I wanted to have the record made clear that these officers worked with you.

This man Bruckner was what you call a foot peddler?

Detective HIGGINS. That is all.

Chairman KEFAUVER. Did you tell how much profit he was making every week?

Detective HIGGINS. About \$300 a week would be his profit.

Chairman KEFAUVER. Is that what he said?

Detective HIGGINS. That is what he claimed. He was paying \$115 for a room in the hotel.

Chairman KEFAUVER. \$115 a week?

Detective HIGGINS. A month.

Chairman KEFAUVER. I assume the hotel didn't know what his business was?

Detective HIGGINS. I doubt very much whether they did.

Chairman KEFAUVER. I would like to give them the benefit of the doubt. He was paying for his room?

Detective HIGGINS. That is right, sir.

Chairman KEFAUVER. Did you think by looking at the way he lived that is probably the kind of money he was making?

Detective HIGGINS. I would say so.

Chairman KEFAUVER. Mr. Jago, do you have anything else to add?

Sergeant JAGO. From sitting in on these hearings, and during the questioning of Bruckner—I would like to say that he did mention, as the inspector from Washington mentioned before, this fellow Al Stone. We were trying to find out who were the big men. He mentioned Al Stone, and gave us names of local men which we turned over to Mr. Butler of your committee.

Chairman KEFAUVER. You have helped Mr. Butler a great deal. Mr. Butler is a lieutenant from the Dallas Police force, and he was with us during the crime investigations.

Sergeant JAGO. He did mention Morris Gillman. As far as his source of supply, it was Morris Gillman. About 41 years of age, 1415 Davidson Avenue, Bronx, N. Y. If he needed any material he called Tremont 2-7940 from the Greystone Hotel, and Mr. Gilman came down, met him outside, said hello, and then they went up into the room and did the business so far as transactions of material were concerned.

Chairman KEFAUVER. Let us get the telephone number correct.

Sergeant JAGO. TREmont 2-7940.

Chairman KEFAUVER. Anything else, Mr. Jago?

Mr. MARTIN. Is that the same Gillman the committee has under subpoena now?

Sergeant JAGO. Yes.

Mr. CHUMBRIS. Do you know if the telephone number is still in use?

Sergeant JAGO. No; I wouldn't know whether it is still in use or not.

Mr. BOBO. Did this man make a statement he had ever bought material from Al Stone?

Sergeant JAGO. No. It was hearsay as far as he was concerned.

Chairman KEFAUVER. Anything else?

Sergeant JAGO. I am looking at our report. He did mention another phone number that he contacted in Brooklyn, who also supplied him with material. He called the number HYacinth 3-8636, and he would ask for Joe. Sometimes he would get Joe, or he would get Joe's mother, who would leave word with Joe to call Andy at the hotel. This number was traced through the telephone company, and it was listed to a John Robbins, residence 59 East 96th Street, Brooklyn, N. Y.

Mr. MARTIN. Was any effort ever made to identify this Joe?

Sergeant JAGO. In Brooklyn?

Mr. MARTIN. Yes.

Sergeant JAGO. No, sir.

Mr. MARTIN. Were you able to obtain any information as to the character of his operation?

Sergeant JAGO. Outside of Bruckner saying he was Mr. Big.

Mr. MARTIN. Did Bruckner also tell you about the character of the car he was driving, or anything of that character?

Sergeant JAGO. He did mention that he had a Nash car. I believe he said the color was green.

Chairman KEFAUVER. These numbers may be reassigned to someone else, and we don't want to cause any trouble. I will have to order these telephone numbers given be placed in executive session of the committee, and I will ask the cooperation of the press in not putting the numbers out. They may be assigned to someone else, and we don't want to embarrass anyone.

Is there anything else?

Sergeant JAGO. I believe that is all.

Chairman KEFAUVER. Mr. Higgins, did you have any observations to make?

Mr. HIGGINS. Jago did a good job. He didn't leave much for me.

Chairman KEFAUVER. Mr. Whipple.

Mr. WHIPPLE. I think that is all.

Chairman KEFAUVER. Tell us your thoughts of what the Federal Government can do to help this problem.

Mr. WHIPPLE. It is my considered opinion that without effective Federal legislation, dealing as you and I know with the interstate transportation of these articles, any effort at the community level or the State level, of course, would be helpful; but I think we need stringent Federal legislation with very severe penalties.

I am not too sure consideration shouldn't be given by the Congress to maybe install some sort of a plan like we have with the Department of Agriculture—having these sources of distribution checked, to see what kind of material is being printed and sent out to the various buyers of these materials.

I realize there might be constitutional prohibitions to something like that, but at any rate I think the Congress should go to work immediately and pass stringent legislation dealing with the interstate transportation of this pornographic material.

Chairman KEFAUVER. Well, newspapers and magazines that have a second-class mail permit have to give the name and address of the publisher. All of this stuff that you are talking about, I have observed that none of it has any name of where it is published, and no

responsibility whatsoever as to where it came from. That would at least help trace it down; wouldn't it?

Mr. WHIPPLE. Yes, it would.

Chairman KEFAUVER. You have shown what can be done in a large city by community interest of church people. I think that is an excellent example that I hope will be heard all around the Nation.

Mr. WHIPPLE. Thank you, Senator.

Chairman KEFAUVER. I want again to compliment you, Mr. Commissioner, and Mr. Higgins and Mr. Jago, and those who have worked with you, on a job well done, which I have heard a good deal about; and also to point out what I am sure you know, that if you relax your efforts you will have the problem with you back again.

Mr. WHIPPLE. Thank you very much.

Chairman KEFAUVER. Thank you very much, gentlemen, for your cooperation.

We will have a 10-minute recess.

(A short recess was taken.)

Chairman KEFAUVER. I saw Mr. Younglove, a member of the New York Assembly, here a little while ago. He is also a member of Mr. Fitzpatrick's committee.

Mr. Younglove, would you come up and sit up here with us? We would be glad to have you.

(Mr. Younglove took a seat at the bench.)

Chairman KEFAUVER. Mr. Bobo, do you have some matter you wish to present at this time?

Mr. BOBO. Yes, Mr. Chairman.

I would like to correct an erroneous impression concerning Mr. Roy Ald, who was subpoenaed by this subcommittee. He was called because he is a well-known writer, and supplied very valuable technical information to the subcommittee staff. He did not fail to answer his subpoena but reported to the subcommittee's office and not in the courtroom.

Chairman KEFAUVER. We will be glad to have that correction made. Now, who is our next witness?

Mr. BOBO. Lt. Ignatius Sheehan, Chicago Police Department.

TESTIMONY OF LT. IGNATIUS SHEEHAN, CHICAGO POLICE DEPARTMENT, CHICAGO, ILL.

Mr. BOBO. Lieutenant Sheehan, your first name is spelled I-g-n-a-t-i-u-s?

Lieutenant SHEEHAN. That is correct, sir.

Mr. BOBO. And you are head of the censor squad of the Chicago Police Department; is that the name of it?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. How long have you been head of the censor squad of the Chicago Police Department?

Lieutenant SHEEHAN. Since 1952.

Mr. BOBO. For how many years have you been connected with the Chicago Police Department?

Lieutenant SHEEHAN. Thirty-three years.

Mr. BOBO. Has all of that time been devoted to so-called censor squad vice or moral squad?

Lieutenant SHEEHAN. No, sir. The last 4 years, the past 4 years.

Mr. BOBO. Is part of your duties as head of the censor squad the keeping up of traffic in pornographic literature as one of your prime responsibilities?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Do you have any estimate as to the extent of what the traffic is in pornographic material in the city of Chicago?

Lieutenant SHEEHAN. Well, that would be hard to say. It is from the arrest of distributors that it would run into large figures.

Chairman KEFAUVER. Lieutenant Sheehan, that microphone is not for the room; it is just for the radio or television; so you speak up so that we can hear you.

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Most of this business—and you are familiar with the operations of those dealing in pornography—is a surreptitious business and an under-the-counter business; is that correct?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Have you been able in your dealings with those selling pornographic material, to determine a source of supply for those you have arrested?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. First, how big did you say the business was? I suppose Chicago is like most other cities, the same problem everywhere, even in rural sections. Is it big business in Chicago?

Lieutenant SHEEHAN. Yes, sir; that's right, Mr. Chairman.

Chairman KEFAUVER. A lot of it hard to keep your fingers on?

Lieutenant SHEEHAN. Yes; it is a tremendous business.

Mr. BOBO. The type of pornography with which you have come in contact, is it generally the type of pornography that has been described here this morning by the other police officers?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Do you find a great number of movie film, 16-millimeter, 35-millimeter, and 8-millimeter movie film?

Lieutenant SHEEHAN. Mostly 16-millimeter and 8-millimeter, in the pornography.

Chairman KEFAUVER. Are these films that you are talking of movies too?

Lieutenant SHEEHAN. Some of them; yes, sir.

Mr. BOBO. Have you discovered them in color also?

Lieutenant SHEEHAN. In color also.

Mr. BOBO. Does the pornographic traffic in Chicago also include the deck of 52 playing cards, the 4-by-5 French novelty, the 2-by-4 comic-book type, plus the still photos in color and black and white pictures describing all acts of perversion?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Has your investigation into dealers of pornographic material in Chicago shown that it is produced in that city?

Lieutenant SHEEHAN. No, sir.

Mr. BOBO. Has your investigation revealed where the pornographic literature reaching Chicago comes from?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Lieutenant Sheehan, I believe you participated in the arrest of a person by the name of Frank Mustari, alias Frank Lano?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. On what date was Mr. Mustari, alias Lano, arrested?

Lieutenant SHEEHAN. In February of 1954.

Mr. BOBO. At that time what was his address?

Lieutenant SHEEHAN. 1356 North Parkside Avenue, Chicago, Ill.

Mr. BOBO. Is Mr. Lano presently living at this address or is he incarcerated?

Lieutenant SHEEHAN. No, sir; he is living at that address.

Mr. BOBO. When you arrested Mr. Lano in Chicago, what was the type of pornography which he had in his possession?

Lieutenant SHEEHAN. He was arrested by the Oak Park Police Department. They got something like \$15,000 worth of different material.

Mr. BOBO. That included films, books, pictures, playing cards?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did Mr. Lano reveal to either you or—were you engaged in that case, Lieutenant?

Lieutenant SHEEHAN. Indirectly; yes, sir.

Mr. BOBO. You participated in that?

Lieutenant SHEEHAN. It came from our office.

Chairman KEFAUVER. You had no supervision over it; is that it?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did Mr. Lano, or did your investigation reveal where he had received this material from?

Lieutenant SHEEHAN. Through our investigation; yes. Not from Mr. Mustari, but another party.

Mr. BOBO. Your investigation revealed where it was from. Where was that, Lieutenant?

Lieutenant SHEEHAN. From New York City.

Mr. BOBO. Did your investigation reveal from whom he received it in the city of New York?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Who is that person?

Lieutenant SHEEHAN. Al Stone, alias Abraham Rubinstein, alias Abraham Rubin, Ruben Stone, and Stoney, Ruben White. Those are his aliases. He was known to us as Al Stone.

Mr. BOBO. Known to the Chicago police as Al Stone?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did your investigation show how Mr. Lano received this material from Mr. Stone?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. And how did he receive this material from Mr. Stone?

Lieutenant SHEEHAN. Well, they will come to New York City and procure a hotel room. After putting their car in a designated garage—

Mr. BOBO. Do you have the name of that designated garage?

Lieutenant SHEEHAN. No, sir.

Mr. BOBO. Continue, please.

Lieutenant SHEEHAN. Then Lano would call Al Stone. In turn, Stone would pick up, or have Lano's car picked up.

Mr. BOBO. Do you have the number at which he would call Stone?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. The number will be treated as in executive session.

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. All right, sir. Continue.

Lieutenant SHEEHAN. Is it all right to read it?

Mr. BOBO. Don't read the number; no, sir.

Chairman KEFAUVER. Give the subcommittee the number.

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. Write it out and give it to the subcommittee.

Lieutenant SHEEHAN. I think the subcommittee has it.

Mr. BOBO. We already have it.

Chairman KEFAUVER. The staff will furnish the number.

Go ahead. We will call it No. X.

Mr. SHEEHAN. Shall I continue?

Mr. BOBO. Yes, sir; go right ahead. He would call Mr. Stone—

Lieutenant SHEEHAN. And Stone would have his car picked up. He would buy about \$2,000 worth of material from Stone. It would be put in his car and his car delivered back to the garage. Then he would pick it up and return to Chicago.

Mr. BOBO. Was there any value put on this \$2,000 worth of material as it was delivered in Chicago, its resale value?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. What was the value of each carload?

Lieutenant SHEEHAN. Oh, about \$5,000.

Mr. BOBO. Did Mr. Lano state how many trips he made between New York City and Chicago?

Lieutenant SHEEHAN. Well, our informant did, he made four trips a month.

Mr. BOBO. He would average approximately \$12,000 a month, considering \$3,000 profit each trip and 4 trips per month?

Lieutenant SHEEHAN. Yes, sir. At times he would stop off and drop off a load at Indianapolis on his way back.

Mr. BOBO. Indianapolis, Ind.?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did he state to whom he would drop this load off, or did your informant, or did your investigation reveal to whom he would deliver this material in Indianapolis?

Lieutenant SHEEHAN. No, sir; he did not give us the name.

Mr. BOBO. Lieutenant Sheehan, are you familiar with the Fuller Brush Man series of comics—and let me say that this a plagiarized name from the Fuller Brush Co..

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Do you have any information as to who the originator and chief distributor of this particular type of pornographic comic was?

Lieutenant SHEEHAN. Al Stone was originally reported as the original printer and originator of this Fuller Brush Man pornographic type of literature.

Mr. BOBO. This particular type of series covered all types of sexual perversion?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. In a comic book drawing?

Lieutenant SHEEHAN. Drawing; yes, sir.

Mr. BOBO. From the sources of information available to you as head of the censor board of the Chicago Police Department, do you have any opinion as to the size of dealer in pornographic material that Mr. Al Stone is?

Lieutenant SHEEHAN. No, sir; I have not.

Mr. BOBO. Has his name come to your attention in any other case other than this one?

Lieutenant SHEEHAN. No, sir.

Mr. BOBO. Lieutenant, did you also take part, or are you familiar with the arrest of Mr. Clarence Anderson of Elgin, Ill.?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Was that raid made in cooperation with the Illinois State Police?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did you determine during the course of this investigation the source of supply for this particular dealer?

Lieutenant SHEEHAN. Well, he was a printer—he was a printer and distributor himself.

Mr. BOBO. He was the printer and distributor and publisher?

Lieutenant SHEEHAN. Himself; sir.

Chairman KEFAUVER. That was one of the big sources of supply in that part of the country?

Lieutenant SHEEHAN. In the Middle West, yes.

Mr. BOBO. During the raid on this man Anderson, how much material, pornographic material, was confiscated?

Lieutenant SHEEHAN. Well, we valued it at, the police value, at about \$25,000.

Mr. BOBO. Did it consist of two truckloads of material?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. What size trucks?

Lieutenant SHEEHAN. Well, big stake trucks, the regular large trucks; big trucks.

Mr. BOBO. In this particular seizure were there 1,000 rolls of pornographic film?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did Mr. Anderson process this film himself?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Also included in this raid were there 1,500 rolls of pornographic film which had not yet been printed?

Lieutenant SHEEHAN. Well, that was the raw film that had not been—just the raw film.

Mr. BOBO. It had never been taken off?

Lieutenant SHEEHAN. I presume that was what he had it for.

Mr. BOBO. Did you determine during this investigation where the models or the actors in these pornographic films were obtained?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Where were these pictures taken?

Lieutenant SHEEHAN. One was taken at 746 Oakwood Boulevard. That's the Oakwood Hotel. On the South Side of Chicago. It was taken up in a hotel room.

Mr. BOBO. These people would just rent a hotel room and go in there with their equipment, without knowledge of the hotel?

Lieutenant SHEEHAN. Well, this man named Edgar Flagg.

Mr. BOBO. How do you spell that, F-l-a-g-g?

Lieutenant SHEEHAN. Yes, sir; F-l-a-g-g.

Mr. BOBO. What is his address; where does he live?

Lieutenant SHEEHAN. He lives at 746 Oakwood, and he was manager of the hotel.

Mr. BOBO. Was he aware of the fact that pornographic films were being taken in his hotel?

Lieutenant SHEEHAN. These girls said that he took the pictures, that Flagg took the pictures.

Mr. BOBO. He took the pictures and in turn he sold them to Anderson?

Lieutenant SHEEHAN. Either that or he sent them out there for processing. That is how we got them, from Anderson.

Mr. BOBO. And this 1,000 rolls of lewd film, were some of them of the same title or the same acting, or were each one of the 1,000 a different film?

Lieutenant SHEEHAN. They were different film, each one. They were the same type of acts of perversion.

Mr. BOBO. The same type of acting, but each one was a different subject and a different film?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did you have an opportunity to view any of this film, Lieutenant?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Included among the actors, both among the men and the women, were there any apparent juveniles as actors in these films?

Lieutenant SHEEHAN. No, sir.

Mr. BOBO. Did the records at the time at which you raided Mr. Anderson show that Mr. Anderson had bought quantities of pornographic material from others, or did he produce all of them?

Lieutenant SHEEHAN. Well, I would say some of it was sent to him through—produced for him. They would take the original film and have him process it for them.

Mr. BOBO. Did any of his records indicate that he had purchased material from a person by the name of Morris and a person by the name of Eddie?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Were there any other identifying marks concerning the men Morris and Eddie?

Lieutenant SHEEHAN. The only thing was Flint, Mich.

Mr. BOBO. The name of Morris and the name of Eddie would fit the Michigan notation?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Did Mr. Anderson describe to you or identify to you who Morris and Eddie were?

Lieutenant SHEEHAN. Well, he said they were the same, one and the same person.

Mr. BOBO. Just going under different names?

Lieutenant SHEEHAN. Different names when they buy; and that they would buy from him, this one particular Eddie and Morris. Then Morris would distribute it all over the Middle West.

Mr. BOBO. Did Anderson give you any idea as to how distribution was made? Was it made through the mails, through Railway Express, or through private conveyance?

Lieutenant SHEEHAN. Mostly through private conveyance, automobile.

Mr. BOBO. When it was loaded on these stake-body trucks was it just in the process of being delivered some place, at a distance?

Lieutenant SHEEHAN. No. It was all loose in the back of his garage, in his garage.

Mr. BOBO. The trucks were in his garage loaded?

Lieutenant SHEEHAN. No, sir; it wasn't in—it was loose in his garage, and he loaded them into trucks.

Mr. BOBO. During this investigation did you determine what the wholesale price of 16-millimeter film was?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. And what price was what?

Lieutenant SHEEHAN. Well, anywhere from \$25 to whatever the traffic would allow, and that he would charge. But that was the lowest.

Mr. BOBO. That is, the film after it had been made into a picture?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. And he would sell it for anything the traffic would bear, ranging from \$25 up?

Lieutenant SHEEHAN. Yes, sir.

Mr. CHUMBRIS. That was for each film?

Lieutenant SHEEHAN. For each film.

Mr. BOBO. Did there appear to be any type of connection between dealers and buyers in this film, such as trading in one roll of film at a reduced price for a new roll of film?

Lieutenant SHEEHAN. Yes, sir. I got a receipt here from Anderson's Film Rental Service, where Morris bought film and he owed \$659. He traded in other film back to him of \$360.

Mr. BOBO. That would more than balance the difference?

Lieutenant SHEEHAN. Yes.

Chairman KEFAUVER. Let that be made an exhibit, Mr. Anderson's firm name seems to be Anderson's Film Rental Service, 1047 Morton Avenue, Elgin, Ill. Is that it?

Lieutenant SHEEHAN. Yes, sir. He has a legitimate film store in the front. In the back in his garage is where he had all the obscene stuff.

(The receipt referred to was marked "Exhibit No. 11," and is as follows:)

EXHIBIT No. 11

ANDERSON'S FILM RENTAL SERVICE ELGIN, ILL.

Order No.-----

Name: Morris.

Address: Flint, Mich.

Oct. 27, 1952:

Bought goods-----	\$410
	9

Paid -----	419
	100

Balance-----	319
--------------	-----

Nov. 13, 1952:

Goods -----	340
-------------	-----

	659
Films and cash (\$275 in films)-----	360

Balance-----	299
--------------	-----

Dec. 18, 1952:

Balance-----	77
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Paid in full.

Mr. BOBO. In addition to the arrest of Anderson in this case, were any other persons arrested?

Lieutenant SHEEHAN. Yes, sir. This Edgar Flagg, I spoke about, that took the pictures up in the hotel room. And a girl named Theresa Anderson, Gene Newton.

Mr. BOBO. Do you have the addresses of these persons?

Chairman KEFAUVER. Well, were they convicted?

Lieutenant SHEEHAN. No, sir. Flagg was convicted. The girls were all discharged.

Chairman KEFAUVER. They were all disciplined?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. Did they plead guilty?

Lieutenant SHEEHAN. No; but they testified for the State.

Chairman KEFAUVER. They said that they were participants?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. Suppose you leave their names out.

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. In addition to the film, this confiscation also included 600 decks of pornographic playing cards?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. Let me see if I understand. This 1,000 rolls of films, the pictures had been taken, were they all different pictures?

Lieutenant SHEEHAN. Every one was a different subject. It was all on the same pornographic type.

Chairman KEFAUVER. The same type, but each one was a different—

Lieutenant SHEEHAN. Yes, sir.

Mr. CHUMBRIS. Lieutenant, from those couldn't more be developed?

Lieutenant SHEEHAN. Oh, thousands.

Mr. CHUMBRIS. As many as you wanted?

Lieutenant SHEEHAN. He could keep developing as many as he wanted.

Chairman KEFAUVER. All right, sir.

Mr. BOBO. What sentence did Clarence Anderson receive as a result of this raid?

Lieutenant SHEEHAN. He received 2 years probation.

Mr. BOBO. Two years probation?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Has he come to your attention at any time since that?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Was he again caught selling pornographic material in Walworth County, Wis.?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. What was the charge against him in Walworth County?

Lieutenant SHEEHAN. He was charged, he was arrested on February 14, 1954, charged with reckless driving, and possession of obscene film. He was fined \$750 and costs, and the films were destroyed by the order of the court.

Chairman KEFAUVER. Let me see if I understand this correctly. You mean this first operation, with all this material about which you are talking, he was convicted after a trial in court and given 2 years and put on probation?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. In what court was that?

Lieutenant SHEEHAN. That was the judge of the county court of the county of Geneva, Ill. It wasn't in our county where the arrest was made. We had to try the case in Geneva County.

Chairman KEFAUVER. You were down there during the trial?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. All right.

Mr. BOBO. Lieutenant Sheehan, are you also familiar with a case involving a Mr. Sam Atlas, A-t-l-a-s?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. Do you have the address of Mr. Atlas?

Lieutenant SHEEHAN. 3401 Beach Street, Chicago, Ill.

Mr. BOBO. In this case, can you give me the approximate retail value of the material seized, pornographic material?

Lieutenant SHEEHAN. Yes. It would be about, around \$20,000 in wholesale.

Mr. BOBO. What was involved in this, was it the same type of material?

Lieutenant SHEEHAN. Yes, sir; 16-millimeter motion-picture films, all motion picture-printer and developing tanks; 1,958 pages of paper-bound obscene books; 800 obscene photographs; 117 red carton decks of obscene playing cards; and then 35 of the black and white obscene playing cards; 11 reels of 8-millimeter movie film; 1 black plastic viewer with 15 obscene poses on 35 millimeter film.

Mr. BOBO. Prior to this time had the Chicago police department been aware of any large scale traffic in pornographic literature?

Lieutenant SHEEHAN. No, sir; not to any great extent.

Mr. BOBO. Is it your opinion that in the last 5 years the traffic in pornographic literature has greatly increased?

Lieutenant SHEEHAN. Yes, sir.

Mr. BOBO. How many men do you have assigned in the Chicago police department to pornography investigation?

Lieutenant SHEEHAN. We have four assigned that specialize in that.

Mr. BOBO. Do you have any information of pornography coming into the hands of children of school age or younger?

Lieutenant SHEEHAN. No, sir; I can't say that I do.

Mr. BOBO. No case has ever come to your attention where a child received pornographic literature or viewed pornographic literature in any manner?

Lieutenant SHEEHAN. We had one case where, I think he was a 12-year-old boy, came to school and he had 1 card of a 52-deck, obscene playing card deck. The principal called us and we found out he got it from his grandfather; that he lived with his grandfather and he got it out of his dresser drawer.

Mr. BOBO. Lieutenant Sheehan, you have been very active in the Illinois Legislature. Would you have any recommendations that you would make to make the traffic in pornography more difficult?

Mr. SHEEHAN. You mean from—

Mr. BOBO. From the Federal viewpoint.

Chairman KEFAUVER. Tell what he tried to do in the Legislature of Illinois this year.

Lieutenant SHEEHAN. We asked for a bill, which is now in the legislature, making it a violation to sell to minors, any boy or girl under 18 years of age.

Chairman KEFAUVER. Making it a felony?

Lieutenant SHEEHAN. No, sir; a misdemeanor—not on pornography, on girlie books and these pocket-sized books. That was what they were doing in Springfield. We got the law on——

Chairman KEFAUVER. You got the law passed?

Lieutenant SHEEHAN. No, sir. It is pending now in the legislature.

Chairman KEFAUVER. The legislature is still in session?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. Do you have a copy of the bill you proposed?

Lieutenant SHEEHAN. Yes, sir.

Chairman KEFAUVER. Let it be filed as an exhibit.

Lieutenant SHEEHAN. I have a copy of my statement before the legislature.

Chairman KEFAUVER. All right, sir.

Mr. BOBO. Lieutenant Sheehan, in view of your experience in the Anderson case, where such a large quantity of this material was seized that had moved both intrastate and in interstate traffic, as a policeman would it not be helpful to you if the degree of the offense was not raised from a misdemeanor to a felony?

Lieutenant SHEEHAN. Oh, it would help us an awful lot. The best sentence we ever got was where a jail sentence was provided of 6 months in the county jail. You can either fine, or 6 months in the county jail. It is just a misdemeanor in the State of Illinois now.

Mr. BOBO. Usually it amounts to nothing more than a small fine, which is practically a license to operate?

Lieutenant SHEEHAN. Nine out of every 10 is a fine.

Chairman KEFAUVER. Lieutenant Sheehan, is there anything else that you want to tell that would be helpful to the committee?

Lieutenant SHEEHAN. I think I covered everything I recall.

Mr. MARTIN. I have a question, Senator, if I may.

Chairman KEFAUVER. Yes.

Mr. MARTIN. Lieutenant Sheehan, I notice in examining this Atlas inventory here, that included in the seizure was one .45 caliber automatic pistol, Army Colt, with clip and several rounds of ammunition. I wonder if you could shed any light on that?

Lieutenant SHEEHAN. No; I cannot. He was given the gun back by order of the court. He showed where he owned it and was entitled to it.

Mr. MARTIN. In connection with Sam Atlas, there is a record here, too, of a peddler who went to the house and obtained some material. One Walter Liepert, stuff that was confiscated from his car included three rifles.

Lieutenant SHEEHAN. Well, he claimed he was hunting; they were hunting rifles.

Mr. MARTIN. That is all.

Mr. CHUMBRIS. Lieutenant, Anderson was placed on probation in a court in Illinois; is that correct?

Lieutenant SHEEHAN. Yes, sir.

Mr. CHUMBRIS. Then after he was put on probation he went into Wisconsin; is that correct?

Lieutenant SHEEHAN. Yes, sir.

Mr. CHUMBRIS. And while in Wisconsin he was apprehended, arrested, convicted, and placed on probation again in Wisconsin?

Lieutenant SHEEHAN. Yes, sir.

Mr. CHUMBRIS. Do you have any information as to whether the Wisconsin court was advised of the probation in Illinois?

Lieutenant SHEEHAN. No, sir. Of course we knew about it when we wrote—I believe it was in the—we read it in our newspapers where he had been arrested and convicted up in Walworth, and we wrote to the sheriff up there, and he verified it.

Mr. CHUMBRIS. Do you have any information that the State's attorney in Illinois contacted the State's attorney in Wisconsin in this matter?

Lieutenant SHEEHAN. No, sir.

Chairman KEFAUVER. It would be a breach of parole would it not if he was caught the second time?

Lieutenant SHEEHAN. It would. Our State's attorney wrote the judge of Geneva, Ill., Geneva County, and told him about the arrest in Wisconsin, and how he violated his probation, but we never heard back.

Chairman KEFAUVER. Anderson is still out?

Lieutenant SHEEHAN. Yes, sir; he is still in business.

Chairman KEFAUVER. Thank you very much, Lieutenant Sheehan. We appreciate your cooperation with our subcommittee. Thank you for coming here to testify.

Who is our next witness, Mr. Bobo?

Mr. BOBO. Sgt. Joseph E. Brown.

TESTIMONY OF SGT. JOSEPH E. BROWN, OF THE DETROIT, MICH., POLICE DEPARTMENT

(Sergeant Brown was sworn by the chairman.)

Chairman KEFAUVER. You may proceed, Mr. Bobo.

Mr. BOBO. You are Sgt. Joseph E. Brown, of the Detroit Police Department?

Sergeant BROWN. Yes, sir.

Chairman KEFAUVER. Sergeant Brown, you are a great big man. Will you speak loudly so everybody can hear; will you, sir?

Sergeant BROWN. Yes, sir.

Mr. BOBO. How long have you been with the Detroit Police Department, sir?

Sergeant BROWN. Since October 15, 1945.

Mr. BOBO. At the present time what is your duty assignment?

Sergeant BROWN. I am the sergeant assigned to the censorship bureau of the police department.

Mr. BOBO. Included in that responsibility is books, magazines, movies, night clubs, and pornographic literature?

Sergeant BROWN. Yes, sir.

Mr. BOBO. Would one of the primary duties which you have be the enforcement of the laws regarding pornography?

Sergeant BROWN. Yes, sir. That is one of the most important functions of the bureau. The separation of obscene literature and the apprehension and conviction of the people that deal in it.

Mr. BOBO. Sergeant Brown, has it ever come to your attention in Detroit as to whether or not pornographic material is coming into the hands of juveniles?

Sergeant BROWN. I can think of no specific instance where it has come into the hands of juveniles. If it has, it would be an isolated case.

Now I am speaking of out-and-out pornography, with which the subcommittee has been dealing, I presume.

Mr. BOBO. This is usually a very clandestine type of operation. You do not deal with the juvenile squad yourself, do you?

Sergeant BROWN. No, sir. We have a youth bureau in the police department that has been in function about 3 or 4 years, established by the police commissioner. They deal primarily with juvenile problems in the city of Detroit.

Mr. BOBO. Sergeant Brown, on May 18, 1953, did you have an occasion to arrest a person by the name of Al Stone?

Sergeant BROWN. I did.

Mr. BOBO. For what was his arrest?

Sergeant BROWN. For possession of obscene movie film.

Mr. BOBO. Did you have the address of that man, Al Stone?

Sergeant BROWN. The address that he gave at the time of his apprehension was 1639 41st Street, Brooklyn, N. Y. That was what the driver's license indicated was his address.

Mr. BOBO. Did he have other aliases?

Sergeant BROWN. He was known as Al Stone. The operator's license was issued to Abraham Rubin.

Mr. BOBO. How do you spell it?

Sergeant BROWN. R-u-b-i-n. Those are the two names that I know Mr. Stone by.

Mr. BOBO. Do you have his record that would indicate any other aliases?

Sergeant BROWN. I have a record here from the Detroit Police Department, Al Stone, mug No. 109385, showing 10 arrests. At the time of these arrests, they were all Abraham Rubin.

Mr. BOBO. All going under the name of Abraham Rubin?

Sergeant BROWN. Yes, sir.

Mr. BOBO. When he was arrested in Detroit on May 18, 1953, what did you say he had in his possession?

Chairman KEFAUVER. You have read from the police record. Is that the official document there?

Sergeant BROWN. Yes, sir. That is the request for a warrant, Mr. Chairman, that was drawn up.

Chairman KEFAUVER. All these arrests, is that on your official record there?

Sergeant BROWN. Yes, sir.

Chairman KEFAUVER. Will you file that so we can have that as a part of our record? You also have his photograph there?

Sergeant BROWN. Yes, sir.

Chairman KEFAUVER. That will, then, be filed as exhibits.

Sergeant BROWN. Yes, sir.

(The information was marked "Exhibit No. 12," and is on file with the subcommittee.)

Chairman KEFAUVER. Where were these arrests?

Sergeant BROWN. The one arrest was in Detroit.

Chairman KEFAUVER. Where were these others on the record?

Sergeant BROWN. Starting chronologically. In 1928, New York City. The charge was rape. He was discharged.

1930, New York City. Reckless driving. 30 days.

1932, in Poughkeepsie, N. Y. The charge was possession of obscene literature. Six months, suspended sentence.

In 1933, Darien, Conn. Possession of obscene pictures. Sentenced to a fine of \$250 and costs, and 6 months in jail. The jail term, I believe, was SS. I think that indicates suspended sentence.

1933, in Buffalo, N. Y. There is a number here, I don't know what the number indicates. It is 1141-P. L., it is apparently a law number. He received 3 months in the Erie County Penitentiary, that's Erie County, N. Y.

Mr. BOBO. For the record, that 1141-P. L. is the Obscene Statute of the State of New York.

Sergeant BROWN. I was not aware of that. 1141-P. L. is the way it is indicated on the record.

And in 1939, Erie County—no; that's the same record, I am sorry. It refers to the above-mentioned arrest.

In 1934, in Albany, N. Y., possession of obscene pictures. Seventy-five dollar fine or 30 days in Albany County Jail.

1934, in Providence, R. I., possession of indecent literature. Thirty days in the Providence County Jail.

1934, in Howard, R. I., possession of obscene pictures. Sentenced to 30 days and costs. May 18, 1953, Detroit, Mich., possession of obscene literature, \$100 fine and 90 days imprisonment in the Detroit House of Correction.

Mr. BOBO. When he was arrested in Detroit he had 558 rolls of obscene movies?

Sergeant BROWN. That is right. Five hundred and fifty-eight rolls of motion-picture film, consisting of 501 8-millimeter, and 57 16-millimeter prints. Of these reels, they were pornography, per se, each and every one.

Mr. BOBO. Showing all types of sexual perversion?

Sergeant BROWN. That is right.

Mr. BOBO. Did you also find on Mr. Stone, alias Rubin, an address book?

Sergeant BROWN. Yes, sir.

Mr. BOBO. Listed in this address book, who was listed in this address book, Sergeant?

Chairman KEFAUVER. Well, let's see about that, now.

Let the address book be in executive session, but you can tell where connections are made in the address book.

Sergeant BROWN. New Orleans, La.; Utica, N. Y.; Philadelphia, Pa.; Syracuse, N. Y.; Utica, N. Y.; Brooklyn, N. Y.; Brooklyn, N. Y.; New York City; Philadelphia, Pa.; Chicago, Ill.; Chicago, Ill.; Chicago, Ill.; Bellaire, Ohio; Jacksonville, Fla.; St. Louis, Mo.; Pittsburgh, Pa.; Harrisburg, Pa.; New Orleans, La.; Chelsea, Mass.; Chicago, Ill.; Sheffield, Ala.; St. Louis, Mo.; Columbus, Ohio; Lancaster, Ohio; Jacksonville, Fla.; Louisville, Ky.; Pittsburgh, Pa.; Gettysburg, Pa.; Scranton, Pa.; Washington, D. C.; Indianapolis, Ind.; Pittsburgh, Pa.; Marbury, Md.; Pittsburgh, Pa.; Chicago, Ill.; Detroit, Mich.; Louisville, Ky.; Indianapolis, Ind.; Birmingham, Ala.; Rome, Ga.; Birmingham, Ala.; Atlanta, Ga.; Linton, Ind.; Flint, Mich.; St. Louis, Mo.; New Orleans, La.; Baltimore, Md.; Reading, Pa.; Richmond, Va.; Salisbury, N. C.

Now, there are other names with those numbers indicated in those cities listed.

Mr. BOBO. Were any of the persons listed on that list known to you to be dealers in pornographic material?

Sergeant BROWN. Yes, sir. The Bizon Sales, 12th Street and Pingree in Detroit, Mich. The proprietor of that establishment has twice been convicted of the sale and possession of obscene literature in the city of Detroit. The first time he received a fine of either \$90 or \$100 under the misdemeanor. On the second offense we prosecuted this defendant under a statute that we have in Michigan, making the second offense a high misdemeanor, which is punishable by \$500 fine or a year in the House of Correction. He was convicted of the second offense and was fined \$100 or 1 year.

I might also add at this time, if I may, that in the State of Michigan under our statutes 753-43, under which we operate, the obscenity statute, the third offender, upon conviction, or the third offense is treated as a felony, and we have 1 defendant that was convicted about 3 or 4 weeks ago, or he was convicted about 3 or 4 months ago under the second offense of the act. He received 10 months probation.

One of the officers from our bureau made another purchase of obscene material about a month ago from this defendant. He was immediately ordered at a probation hearing to serve 10 months in the Detroit House of Correction, and he will then be tried in felony court as a third offender.

Mr. BOBO. Was there also taken from Mr. Stone at this time a road map showing the route that he had covered?

Chairman KEFAUVER. Just a minute, before you get to that.

Sergeant BROWN, the names in the address book that you investigated turned out to be pornographic dealers; is that not so?

Sergeant BROWN. Yes, sir. This one name in particular, Mr. Chairman, was—

Chairman KEFAUVER. You have Mr. Chumbris who gave the story about Lou Saxton in Pittsburgh, who was a dealer, in his testimony the day before yesterday. Do you have Lou Saxton as one of the names, from Pittsburgh?

Sergeant BROWN. There was a name listed, Mr. Chairman, as Lou, Pittsburgh, Pa. No address showing and no last name showing.

Chairman KEFAUVER. Then do you have listed a Japloski who has been convicted in St. Louis? We have a record of him distributing lewd literature, but he resides in Jacksonville, Fla. Is his name listed?

Sergeant BROWN. What was the name again, Mr. Chairman?

Chairman KEFAUVER. Japloski.

Sergeant BROWN. What was the first name?

Chairman KEFAUVER. Stanley Japloski.

Sergeant BROWN. Mr. Chairman, I have a Stanley listed, Jacksonville, Fla., no last name.

Mr. CHUMBRIS. Do you have his address?

Sergeant BROWN. No; there is a notation, numerals is all that is listed.

Now, should I read the numerals? There is no indication—it presumably is a phone number, although there is no exchange listed, it is merely numerals.

Mr. CHUMBRIS. If you will look further on that list you will find another reference to Jacksonville, Fla., that might indicate that name.

Sergeant BROWN (complying). Yes. On further observation I find a Stanley, no last name listed, in Jacksonville, Fla., on Washtonian Street. It is 3510 Washtonian Street.

Chairman KEFAUVER. Proceed, Mr. Bobo.

Mr. BOBO. Do you have any reference to Anderson in Elgin, Ill?

Chairman KEFAUVER. He did not read Elgin.

Mr. BOBO. Sergeant, while you are checking that also, would you see if you have one listed Eddie in New York City?

Sergeant BROWN. Yes, sir.

Mr. BOBO. With no address given? It is on the part of the list, I think, Sergeant, that does not have the addresses, and so forth, the bottom part of the list.

Sergeant BROWN. I see in the second group an Eddie listed just as that, no last name given.

Mr. BOBO. Is a telephone number given?

Just keep the telephone number in executive session.

Sergeant BROWN. Yes, sir. I presume that that is a phone number.

Chairman KEFAUVER. Is that the same number we had here a little while ago?

Sergeant BROWN. I don't recall the other number. You mean in my testimony, Mr. Chairman?

Chairman KEFAUVER. No; in somebody else's testimony.

Sergeant BROWN. Not to my knowledge.

Mr. BOBO. Sergeant, do you have any suggestion or any comments you might want to make on pornographic literature?

You also confiscated from Mr. Stone at the time of his arrest a roadmap showing the route covered by him?

Sergeant BROWN. Here is a roadmap that was taken by me from the automobile, or the glove compartment of his automobile at the time of his arrest [exhibiting].

Chairman KEFAUVER. Does he have his route marked where he had been going?

Sergeant BROWN. Mr. Chairman, it has a route marked from the city of New York to Philadelphia, to Harrisburg, Pa.; Pittsburgh, Pa.; Akron, Ohio; Toledo, Ohio; Detroit, Mich.; Fort Wayne, Ind.; Indianapolis, Ind.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; into Richmond, Va. It terminates at Richmond, Va., the markings on the map.

Mr. BOBO. Is this map over here [indicating], showing the interstate connections of Al Stone, alias Rubin, does that indicate the cities which you have marked there, some of the cities?

Sergeant BROWN. I would say that it indicates a great many of them, from my observation from the chair here, counsellor.

Mr. BOBO. Is it also a composite of the cities listed in his address book?

Sergeant BROWN. To a great extent; yes.

Mr. BOBO. Thank you, Sergeant. That is all.

Chairman KEFAUVER. Sergeant, you do have a big program in Detroit to stamp out this business, do you not?

Sergeant BROWN. Yes, sir, Mr. Chairman. I would like to bring out a couple of the highlights of that program that we have in Detroit.

We have a great many active groups, PTA, the church, and fraternal

organizations. We cooperate very closely with them, and they with us. We go out and make public speeches to these people. We try to keep in very close contact. We feel that in that way we get a firsthand viewpoint from the parents of what's going on.

Now, last Tuesday night, Mr. Chairman, I spoke to a PTA group in Detroit that consisted of 350 parents. They were aware that I had been subpoenaed here by this committee to delve into some of the problems of the juvenile delinquency question, and the problems of obscene literature; and they are, I understand, anxiously awaiting a report of your findings and the corrections that can be made.

Now, we do feel in the State of Michigan that the statute covering obscenity is a very good, strong statute: it is 750, section 343. Under this statute, as I mentioned previously, Mr. Chairman, I would like to point out again, on the first arrest and conviction it is a misdemeanor. The second arrest is treated as a high misdemeanor.

Now, on an ordinary misdemeanor it is punishable by 90 days in the house of correction or \$100 fine; the second offense is punishable by a year in the Detroit House of Correction or a \$500 fine; and the third offense is treated as a felony, and it is punishable by State prison.

We have had very good success, we have had a great amount of cooperation from the prosecuting attorney's office, from all the judges in recorder's court. They are backing us 100 percent on this problem.

We had one judge there, I had 3 cases before him in the last 6 weeks, and that is first offenders.

Chairman KEFAUVER. Is that Judge George Edwards?

Sergeant BROWN. No. George Edwards is in the probate court of juvenile, and a very, very capable judge by the way, Mr. Chairman.

Chairman KEFAUVER. I know him.

Sergeant BROWN. Judge Shimansky has a standing policy there that, upon conviction, it is automatically 60 days in the house of correction and a year's probation.

We feel that that law has teeth in it, but we would also like to see—

Chairman KEFAUVER. When was that law passed?

Sergeant BROWN. That was amended in 19—it was passed, I believe, in 1935, and I believe it was amended in 1953, Mr. Chairman.

Chairman KEFAUVER. Has the traffic in Detroit gone down since you had that law amended and you have been enforcing it more vigorously?

Sergeant BROWN. We feel that the traffic has greatly decreased.

Chairman KEFAUVER. Tell us a little more about the splendid interest and activity of the PTA men and women and civic clubs and others in Detroit, Sergeant Brown.

Sergeant BROWN. Well, as I mentioned before, these—

Chairman KEFAUVER. How many people are participating?

Sergeant BROWN. Well, it would be hard to say, but it would be a very, very great number of organizations, Mr. Chairman.

Chairman KEFAUVER. Each in their own neighborhood?

Sergeant BROWN. Each in their own neighborhood.

They have a program—before I mention this, in answer to your question there, Mr. Chairman, I would like to mention that under this law in the State of Michigan—now, this is getting away from

pornography just a little bit, but I think I would like to touch on it if it is permissible.

These pocket-sized and these cheesecake books, cheesecake and girly magazines, when these books come into the city of Detroit, we have such cooperation from the two large distributors that they voluntarily submit each and every one of these pocket books to the censor bureau for screening. We have a staff of 13 men. They screen these books, and if they find obscene passages, or anything of a filthy nature, we immediately submit it to our legal counsel, the prosecuting attorney of the county. He gives us a legal opinion, and if it is a violation of the law he sends us a letter, 1 for our files and another 1 for the distributor, that if distribution is made on that book in the city of Detroit or in the county of Wayne, that prosecution will result.

Now, as a result of this action, we have withheld between four and five hundred separate titles of these pocket books in the city of Detroit in the last 5 years. Each one of these titles in the city of Detroit alone would enjoy a circulation of approximately five to ten thousand.

Chairman KEFAUVER. Each one of these what?

Sergeant BROWN. Each one of these books, each title, each separate title would enjoy a circulation of from five to ten thousand in the city of Detroit alone.

Chairman KEFAUVER. But they are not circulated?

Sergeant BROWN. No, sir.

When the prosecuting attorney rules that they are in violation of the law, the distributor is notified, there is no distribution made in the city.

Now, we had a test case just a year ago now on one of these pocket books in recorder's court, and we were sustained. There was a conviction obtained.

Now, it is my understanding at the present time that this case is being appealed to the Michigan State Supreme Court.

Chairman KEFAUVER. Sergeant Brown, then in our horror and crime comic-book hearing, we ran into a situation where some news dealers were forced to take a whole range of things in order to get the better magazines; they had to take some horror comics and they had to take some literature that is not so good, and that it was a pretty difficult position in which they were placed. They would lose their license if they did not take all those things, and yet they did not want to sell them on many occasions.

However, your news dealers are cooperating and just turning them back; is that it?

Sergeant BROWN. That is correct.

Chairman KEFAUVER. I think you call that tie-in sales?

Sergeant BROWN. I believe that would be the term.

Mr. CHUMBRIS. Sergeant, I believe you, or members of your staff, went to the city just northeast of Detroit last year and testified before a grand jury on some of these particular problems to clean up the—

Sergeant BROWN. The city of Port Huron. Inspector Case was up there in an advisory capacity.

Mr. CHUMBRIS. I understand they have quite a program up there to clean up these pin-up magazines, like Eye; is that correct?

Sergeant BROWN. I can't testify too much about that program; I am not too familiar with the Port Huron program.

Chairman KEFAUVER. Sergeant Brown, we thank you very much for coming here.

Sergeant BROWN. Mr. Chairman, one more point. I would like to tell you at this time that, speaking for myself and the police department of the city of Detroit, and the citizens of the city of Detroit, we would like to see some sort of Federal legislation passed that would put teeth in the law to keep this smut from being distributed by any means, whether it is in an automobile or carried across the State lines, or by any means. That's what we are all in hope of.

Chairman KEFAUVER. That is what all the people who are working with you on this want done?

Sergeant BROWN. That is what they want done.

Chairman KEFAUVER. You tell them that we appreciate their recommendation and their activity, and the report that we have from you.

Sergeant BROWN. Thank you very much.

Chairman KEFAUVER. Mr. Bair, we aren't going to get to finish you before noon, but come around and let us have your testimony. We are going to adjourn in about 10 minutes.

(Mr. Bair was sworn.)

TESTIMONY OF ROBERT R. BAIR, ASSISTANT UNITED STATES ATTORNEY FROM THE DISTRICT OF MARYLAND

Chairman KEFAUVER. Proceed, Mr. Bobo.

Mr. BOBO. Mr. Bair, you are Mr. Robert R. Bair, B-a-i-r?

Mr. BAIR. That is correct.

Mr. BOBO. You are assistant United States attorney from the district of Maryland?

Mr. BAIR. That is right, sir.

Mr. BOBO. Baltimore, Md.? How long have you been with the United States attorney's office in Baltimore?

Mr. BAIR. Since September 1954.

Mr. BOBO. And your duties in that office are to prepare and present cases?

Mr. BAIR. That is correct, sir. Enforcing the laws of the Federal Government.

Mr. BOBO. Were you the person in the office of the United States attorney in Baltimore who prepared the case against Herman Solomon and Saul Norman Daymont?

Mr. BAIR. I am.

Mr. BOBO. Louis Passeti and Ruby Martin Tayfoia?

Mr. BAIR. Yes, sir.

Mr. BOBO. That was a case involving what, Mr. Bair?

Mr. BAIR. That was a case involving the depositing with the Railway Express Agency for shipment in interstate commerce of certain obscene, lewd, and lascivious photographs.

Chairman KEFAUVER. Mr. Bair, this map here on the left was made, I believe, from the evidence worked up and brought out by you in this case?

Mr. BAIR. That is correct. That evidence was available to us.

Chairman KEFAUVER. That is a so-called "Soloday" operation?

Mr. BAIR. Yes, sir.

Chairman KEFAUVER. I want to say just as we close, as we recess for lunch, that I know of the security in this case, and I think this is one

of the most important decisions enabling enforcement agencies and the courts to get at this problem that we have ever had in the field of indecent and pornographic literature.

Many prosecutors all over the Nation are awaiting the outcome of the trial of this case that you have concluded, and it is a very important case. We want you to take some little time in describing the operations, just what was involved in the case.

You will continue with your testimony right after our recess for the lunch period.

The subcommittee will stand in recess until 1:30.

(Whereupon, at 12 noon, a luncheon recess was taken until 1:30 p. m.)

AFTERNOON SESSION

Chairman KEFAUVER. We will resume with the testimony of Mr. Bair. All right, Mr. Bobo, proceed.

Mr. BOBO. The operations which we were discussing before the recess was the operation "Soloday"?

Mr. BAIR. That is correct. The address was 3500 Harford Road, Baltimore, Md.

Mr. BOBO. When did this case originate?

Mr. BAIR. The FBI in Baltimore received an anonymous letter about August 4, 1953, and it was from somebody out in San Francisco who stated that there were two men who were shipping large shipments of lewd photographs from Baltimore, after having been convicted of the same offense out in Los Angeles.

After that letter the FBI investigated the case, and conducted surveillance of the premises at Harford Road, and looked into the men who were going in and out of that building.

Four persons were primarily involved. Herman Solomon, William Daymont, Louis D. Passetti, and Ruby Martin Tayfoia.

After a good deal of investigation in which the Railway Express Agency was cooperating with us, on December 14, 1953, the FBI was notified that a rather large shipment had been deposited with them, and agents went down there and initialed the packages contained in that shipment.

Mr. BOBO. This photograph over here, was that the shipment that had been deposited with Railway Express?

Mr. BAIR. That is correct; that is the shipment of the 14th of December. That shipment consisted of 21 cartons destined for 14 consignees in 7 cities all over the United States.

The shipment was permitted to go through, and agents in various cities to which these packages were consigned, later picked them up and returned them to Baltimore.

On the basis of that, evidence warrants were issued, and the four-named persons were arrested.

Then on January 5, 1954, the Federal grand jury at Baltimore returned an 11-count indictment against Herman Solomon, William Daymont, Louis D. Passetti, and on Ruby Tayfoia, the indictment was based on section 1462 of title 18 of the United States Code; and it charged them with knowingly depositing with the Railway Express Agency at Baltimore for shipment in interstate commerce lewd, lascivious, obscene, and filthy photographs.

This 11-count indictment concerned only 17 of the cartons which were addressed to 11 consignees in 6 cities.

The volume was rather large. It consisted of 7,330 sets of photographs, and there were 12 photographs to each set; thus in all there were 87,960 photographs.

These had a declared value with the Railway Express Agency of almost \$2,400. They were being consigned at about 35 cents a set. That was the cost to the retailer.

The retail value, however, was about \$10,200, because I had 2 men, 2 of the consignees come to testify at the trial, and they indicated that they received about \$1.50 per set.

The testimony at the trial also revealed that these shipments were taking place on the average of about twice a week, and that the production was in the neighborhood of 3,000 sets per week. If you want to apply that on an annual basis, that would be 156,000 sets, or 1,872,000 photographs a year.

On a weekly basis, assuming that they were able to manufacture and sell 3,000 sets a week, at 35 cents a set, the shipments out of Soloday would come to about \$1,050 a week. It is difficult to ascertain how much of that \$1,050 was profit to Soloday. They indicated that maybe 22 cents of the 35 cents was the cost of production. I am inclined to think that is a little high, and I would say that closer to about half of the \$1,000 was profit to Soloday.

Turning to the market for these photographs, as you can see from the map, there were a great number of consignees located all over the United States—about 45 or 46 in number; but as to the consignees involved in the prosecution in Baltimore, there were 11—and if you wish me to, I will read those into the record.

Mr. BOBO. If you would, please.

Mr. BAIR. Kay's Bookstore, 1374 East Ninth Street, Cleveland, Ohio, they received 500 sets of photographs.

City Hall News & Novelty, 133 Lyons Street NW., Grand Rapids, Mich., they received 320 sets.

The Gallery, 347 North Clark Street, Chicago, Ill., they received 160 sets.

Frank's Magic, at 1220 K Street, Sacramento, Calif., received 725 sets.

The Satisfactory Distributing Co., 501 M. & M. Building, Houston, Tex., received 3 cartons containing 1,700 sets.

Capital News, 1709 East Ninth Street, Cleveland, Ohio, received 1,070 sets.

William Shatsky, 330 South Olive Street, Los Angeles, Calif., received 925 sets.

Joyland Novelty Co., 421 South Main Street, Los Angeles, Calif., received 300 sets.

Tom Libman, 331 South Main Street, Los Angeles, Calif., received 180 sets.

The G. & U. Newstand, 516 South Main Street, Los Angeles, Calif., received 275 sets.

E. Smith, 536 South Main Street, Los Angeles, Calif., received 1,175 sets.

Mr. BOBO. These you have just read indicate only those in which you had in the 11-count indictment that were consigned against Soloday?

Mr. BAIR. Those were the names of the consignees, 11 to be exact, named in the 11-count indictment in this particular case.

Mr. BOBO. In this particular case there were additional consignees which you are not at liberty to reveal at the present time?

Mr. BAIR. That is correct.

Mr. BOBO. Numbering some 46 altogether?

Mr. BAIR. There are about 46 names that we have in our file to which these photographs or similar ones were consigned.

Mr. BOBO. In addition to these did you investigate and did the trial bring out the fact that Solomon or Daymont not only did a Railway Express business but also made frequent trips by automobile?

Mr. BAIR. That is true. There is no question but that a great part of this business was not done by Railway Express. If the figure of 3,000 photographs a week is a correct figure, and that was given to us by Louis D. Passetti, a much smaller number than 3,000 per week was sent by Railway Express. We know about 27,000 sets of photographs were sent by Railway Express during the 5 months period of July to November 1953. At the same time at the rate of 3,000 sets a week, you would have about 60,000 rather than 27,000 sets produced during that period.

Mr. BOBO. Did the trial bring out, or did the preliminary investigation, the amount of film used by this operation—raw film?

Mr. BAIR. Yes; it did.

Mr. BOBO. I think I should correct that—processing paper.

Mr. BAIR. Records which were obtained by a search warrant indicated that between July 10 and November 23, 1953, Soloday purchased over \$2,000 of photographic paper from Rochester, N. Y., and over \$7,600 worth of photographic paper from a company in New York City.

Mr. BOBO. Did any of the pictures confiscated portray any minors in these lewd photographs?

Mr. BAIR. No; they did not.

Mr. BOBO. When this material was shipped out was it deposited with the Railway Express Co., or did they go by Soloday and pick up the material?

Mr. BAIR. As regards this particular shipment, I believe it was brought to the Railway Express Agency by automobile.

Mr. BOBO. You mentioned the names of Herman Solomon and William Daymont. Was this a partnership operation?

Mr. BAIR. I might give you some background information about those two, as well as what we know about Passetti and Tayfoia.

Of those four people, Herman Solomon and William Daymont were primarily responsible for the business and the success of Soloday, which is obviously a combination of the two names, Solomon and Daymont.

Solomon was the photographer. He had an apartment in New York City at 224 West 49th Street, where he also had a studio. There he took photographs of various models.

He then delivered the negatives to William Daymont at 35 Harford Road, in Baltimore, where they were developed, and where the photographs were printed from the negatives.

Louis D. Passetti was employed by Solomon at about \$65 a week to help in packaging the photographs.

Ruby Martin Tayfoia assisted William Daymont in Baltimore in the printing of the photographs. Because of her small connection with the matter, the indictment against her was dismissed, and only the three men were tried.

What we know about Solomon and Daymont, we know primarily from the mouths of Passetti and Tayfoia. Mr. Passetti met Solomon in San Francisco in 1949, and was employed by him that year to package photographs. While he was in the hospital out there he was advised that the police had raided the place of business in San Francisco, and that was the last time he saw Solomon until September 1953, when he again began working for Soloday.

Miss Tayfoia was about 17 years of age when she first met Solomon and Daymont in Hollywood, Calif., in about January of 1952. She went to work for them there as a model, and after a month or two of posing she worked for them as a printer of photographs.

Just a few months prior to that, in October of 1951, both Solomon and Daymont were arrested by the Los Angeles Police Department on a charge of lewd photographs, and Solomon received in all 60 days suspended sentence, and a total of \$200 in fines.

Daymont at that time received 1 year's probation, and a total of \$150 in fines.

In May of 1952, while within the probationary period of Daymont, the business of "Soloday" moved from Santa Monica, Calif., to the Harford Road address. We know at that time, from September of 1952 until they were arrested in December 1953, they operated that business in Baltimore.

Solomon would go to New York about 4 days a week. He would then drive to Baltimore and remain in Baltimore about 3 days a week, conducting this business.

Daymont, I believe, resided solely in Baltimore.

As to the question of obtaining models, they would obtain them from night clubs and burlesque houses, et cetera. They would offer them something like \$10 for a couple of hours' work in posing; and as I say, a good bit of that was done in a photographic studio in New York by Solomon.

However, a number of their consignees over the country, one in Cleveland in particular—we know they offered to get them models, and Daymont and Solomon would go out to these various places and photograph other models in studios in these various cities.

Mr. BOBO. Do you know how those negatives would be forwarded into Baltimore?

Mr. BAIR. I have no way of knowing that; no sir.

Mr. BOBO. Go right ahead.

Mr. BAIR. Going to the trial which took place in Baltimore, Solomon, Daymont, and Passetti were tried on this 11-count indictment on April 25, 1955, before Judge W. Calvin Chestnut. The jury was an all-male jury. However, they returned a verdict of guilty; and Solomon was sentenced to 90 days in jail, and \$1,000 fine.

Daymont was sentenced to 90 days in jail, and \$1,000 fine.

Passetti was fined \$500.

The issue of the depositing for interstate shipment was stipulated out of the case by counsel, so that the only issue at that trial was the issue of obscenity.

That brings me to the type of photographs involved in this case. It was not pornographic per se. It was more or less borderline photographs, borderlining between the art type of photograph, or the stripping nude type of photograph. There were three types in all.

They were in sets of 12 photographs each. The girls were posed in varying stages of undress in one type. You might call it a stripping nude, but it was not strictly that inasmuch as there was not a complete nude in the whole group. They were dressed very cleverly by using long stockings and garters and black lingerie, black gloves, and black boots, and so forth. I don't think you could strictly call it an artistic stripping nude.

Mr. BOBO. Most of these portrayed long black leather gloves, and long black boots and high heels?

Mr. BAIR. Yes; I would describe it as that. I wish to repeat that it was not pornographic. There were no suggestive poses involved.

There was another type which we might refer to as a whip or a flagellation type, in which a woman would have a fairly serious, stern look on her face, and she would be holding a whip.

There was a third type which we might refer to as a bondage picture in which the woman was posed with her hands and feet tied with ropes, and in many cases lying on a bed, with a very frightened look on her face.

The problem before me was to see whether these pictures fitted the tests of obscenity which had been laid down in prior Federal court decisions; and the tests that we had to go by were whether these photographs were calculated to corrupt the morals of those into whose hands they might fall, by exciting lewd thoughts or suggesting sensual desires.

There were two approaches to the problem. One you might call a negative approach, and the other a positive approach.

As a negative approach, I had an expert from the Museum of Art come in to testify that they had little, if any, artistic merit to them; that they did not constitute art, in that any little artistic merit which they had was completely outweighed by emphasis on sex.

There were a number of aspects to the positive approach to the problem. One was, of course, the huge volume, the huge market for these photographs. The second was their sole purpose, which was a pandering to the lascivious curiosity in men—just a strict commercialization of sex, and sex alone. That was emphatically put across to the jury.

The third approach was to show the clever and skillful method to commercialize this kind of thing. They didn't just submit one photograph. They submitted 12 in a series; and I think you can safely say that the cumulative effect of the 12 photographs was greater than the sum of just looking at 12 photographs separately.

Another very clever method used by them is the use of partial clothing. There was not a complete nude in all the 87,000 photographs. There was always just a little bit of clothing in the form of garters or long stockings, or black lingerie. Havelock Ellis and many others are well agreed that actually nudity is more chaste than partial clothing, and partial clothing is a much easier way—the use of partial clothing is a much easier way to incite sensuality in man than a complete nude.

That represented a very clever observation upon the part of these men, and they utilized it extensively.

Another method was the use of fetishes. The use of long black gloves and long boots, or high heeled shoes, the use of stockings and garters, the use of whips and ropes.

Necessarily these things might not be *prima facie* evidence to a jury; and so I had to bring in a psychiatrist to explain some of the symbols. I brought in Dr. Jacob Harry Conn, of Utah Place, in Baltimore, and he testified that pictures such as these represented a very skillful invitation and solicitation to persons who are in need of a substitute for a sexual experience.

From the huge market in these photographs I think we can infer that there are quite a few people in such a need. It represents the need of people who through weakness of character, through age, and lack of maturity, or through social and moral inhibitions are unable to find a normal outlet for the sexual urges.

In some cases the need is a pathological need, and it is represented by perverts, by impotents, borderline homosexuals. The whipping pictures and the flagellations, the bondage pictures, they are all directed to that type of person.

At the same time Dr. Conn pointed out an analogy between the impotent type of person who had this need and the adolescent who was just approaching the awakening of that type of life when he was awakening to sexual needs. It was clear to him that such a photograph would represent an outlet for a vicarious sexual experience.

Mr. BOBO. In other words, actually what it would do, if it was a juvenile and an immature person, it is liable to cause him to take up this particular fetish—whipping, bondage, as an outlet for sex?

Mr. BAIR. That is what Dr. Conn testified to.

Mr. BOBO. Mr. Bair, what was the end result of the case?

Mr. BAIR. As I said, the only issue was that of obscenity, and the jury brought back a verdict of guilt; and the three men were sentenced as I have stated previously.

Mr. BOBO. Would a clearer definition in the statute 1461, 1462, 1463, 1464 of what constitutes pornographic literature, have assisted in this case in obtaining a stronger conviction for these individuals?

Mr. BAIR. I don't think so. I would hesitate to legislate further as to the definition of obscenity.

I believe the courts over a long period of time have established certain standards which I might say are flexible in that the present test is the standard of the community here now; and as you know, these standards do change.

If you look back to the Greco-Roman era, or the Victorian era, these standards do change.

The present test allows you to look at the standards of the community here and now, and to decide whether this material is calculated to corrupt the morals by exciting lewd thoughts and sensual desires; and I think the test at the present time is adequate. To legislate further on it may restrict courts too much in the future.

Mr. BOBO. Prosecution and investigation of this case required approximately what—2 years?

Mr. BAIR. The investigation required almost 5 months.

Mr. BOBO. How long was it in the courts?

Mr. BAIR. Well, the trial lasted a little over a day.

Chairman KEFAUVER. Mr. Martin, do you have any questions?

Mr. MARTIN. Mr. Bair, I believe you told us the cost to Solomon was 22 cents. I believe 22 cents was the price spread between the cost and what he was selling for. Wasn't the cost 13 cents?

Mr. BAIR. Well, at the trial they maintained that the cost was 22 cents. However, there is evidence in their books and records that the cost was 13 cents. It is a little hard to ascertain exactly what it cost. I would estimate they made about one-half of the 35 cents as profit.

Chairman KEFAUVER. When was the final judgment rendered in this case?

Mr. BAIR. On April 26, 1955.

Chairman KEFAUVER. I think there have been some other indictments brought. A good many cases were waiting on the outcome of this one?

Mr. BAIR. That is correct, Mr. Chairman. All of these consignees are subject to prosecution under 1462, and a great many of the districts had been awaiting the outcome of this case prior to authorization of prosecution.

Chairman KEFAUVER. I was interested in what happened to this girl, Ruby Tayfoia. She was in California?

Mr. BAIR. That is where she first met Mr. Solomon, out in Hollywood.

Chairman KEFAUVER. At that time she was just a teen-ager?

Mr. BAIR. Just 17 years old.

Chairman KEFAUVER. And they brought her back to Baltimore in the business there?

Mr. BAIR. That is correct.

Chairman KEFAUVER. What did these fellows do before they got into this business—do you know?

Mr. BAIR. We have no way of knowing that, Senator.

Chairman KEFAUVER. Doesn't Solomon have some record?

Mr. BAIR. In 1951 he was convicted in Los Angeles on the same type of charge. At that time he received 60 days suspended sentence and \$200 fine. We know that he was also printing these photographs as early as 1949, but what he was doing prior to that we don't know.

Chairman KEFAUVER. After leaving Los Angeles he came to Baltimore?

Mr. BAIR. Yes; he came to Baltimore in May of 1952.

Chairman KEFAUVER. Didn't some of the girls who posed as models make some claims about not knowing what they were doing?

Mr. BAIR. Well, there is a little indication in the investigation that while they were posing for supposedly art pictures, there were two cameras focused on them—one that they didn't know about.

Chairman KEFAUVER. And they claim they didn't sign the release for some of the pictures, but they were used notwithstanding, or they didn't know what they were signing when they signed the release?

Mr. BAIR. I do not know, sir.

Chairman KEFAUVER. Thank you very much, Mr. Bair.

We appreciate the hard work that you have put in on this case, and the fact that you have stayed with it so long, and finally won your case.

As I said before, I think it had a very salutary effect throughout the Nation.

We will have about a 3-minute recess.

(A short recess was taken.)

Chairman KEFAUVER. Proceed, Mr. Bobo.

Mr. BOBO. Mr. Rubin.

(Abraham Rubin was sworn.)

Chairman KEFAUVER. Proceed, Mr. Bobo.

TESTIMONY OF ABRAHAM RUBIN, BROOKLYN, N. Y.

Mr. BOBO. You have counsel here with you?

Mr. RUBIN. Yes, sir.

Mr. BOBO. Will you identify yourself?

Mr. WEISS. Daniel S. Weiss, 15 East 40th Street.

Mr. BOBO. Will you state your full name and present address?

Mr. RUBIN. Abraham Rubin, 1639 41st Street, Brooklyn.

Chairman KEFAUVER. I didn't understand that.

Mr. RUBIN. Abraham Rubin.

Mr. BOBO. Have you also at other times been known by a different name?

Mr. RUBIN. I refuse to answer under the immunity provision of the fifth amendment of the Constitution.

Chairman KEFAUVER. Just a minute now. Do you plead immunity under the fifth amendment?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. As we go along I will pass on whether the witness should be ordered to answer the question. I will have to order you to answer that question, Mr. Rubin. If you refuse to answer, just say, "I refuse to answer."

Mr. RUBIN. Thank you, sir.

Chairman KEFAUVER. But under the rules and for the record, questions are asked, and if you refuse to answer under the fifth amendment, if I think it is a proper question I will have to ask you to answer. You either answer or refuse to answer.

Proceed, Mr. Bobo.

Mr. BOBO. Have you furnished this subcommittee all the available records which were requested in the subpoena issued to you?

Mr. RUBIN. I refuse to answer under the immunity of the provision of the fifth amendment of the Constitution.

Chairman KEFAUVER. The chairman directs you to answer, Mr. Rubin.

Mr. RUBIN. I refuse to answer under the immunity provision of the fifth amendment of the Constitution.

Mr. BOBO. In 1950 you had a reported income of \$7,796.82; in 1951, \$8,635.35; in 1952, \$8,688.76; in 1953, \$8,099.94; in 1954, \$7,919.44.

On what basis did you arrive at these figures without producing records to show your income for those years?

Mr. RUBIN. I refuse to answer under the immunity provision of the fifth amendment of the Constitution.

Chairman KEFAUVER. The chairman directs you to answer the question.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Weiss, to save time and with full understanding, if in answer to a question if he wishes to plead the fifth

amendment, it will be understood and we let the record make that clear, that if he says "I refuse to answer," we will understand that that is on the basis of the immunity provisions of the fifth amendment.

Mr. WEISS. That will save time.

Chairman KEFAUVER. Shall we also let the record show that I have ordered him to answer after he says "I refuse," unless it is some question that I feel should not be asked him, in which event I will so designate, so that will save a lot of time.

Mr. WEISS. I agree with you.

Chairman KEFAUVER. Very well. Let me ask this question. Would the witness give us any statement, or does counsel wish to give us any statement just what offense, or what law, the prosecution of which the witness may be afraid that he would be subject to in the event he answered?

Mr. WEISS. His answer will be the same, Senator.

Chairman KEFAUVER. His answer will be the same?

Mr. WEISS. Yes.

Mr. MARTIN. Is it a State or Federal offense?

Mr. WEISS. His answer will be the same.

Chairman KEFAUVER. Mr. Bobo, ask such pertinent questions as you wish to bring out.

Mr. BOBO. What kind of business are you engaged in, Mr. Rubin?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. I cannot understand you.

Chairman KEFAUVER. He said he refused to answer.

Mr. BOBO. Are you the same Abraham Rubin that was arrested in Detroit, Mich., in 1953?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Is that a photograph that was taken of you at that time?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. Let the photograph be filed as an exhibit.

Mr. BOBO. Were the charges against you at that time possession of obscene literature?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. Hand him his whole record here. There is no use going over each one. This is the record that has been introduced in evidence as an exhibit here.

The question is: Is the photograph on top of it, and is this your record of arrests, convictions, or acquittal?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. Let it be filed.

Mr. BOBO. Mr. Rubin, isn't it true you are considered one of the major suppliers of pornography in the United States?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. In the business in which you are engaged in, in how many States do you operate?

Mr. RUBIN. I refuse to answer.

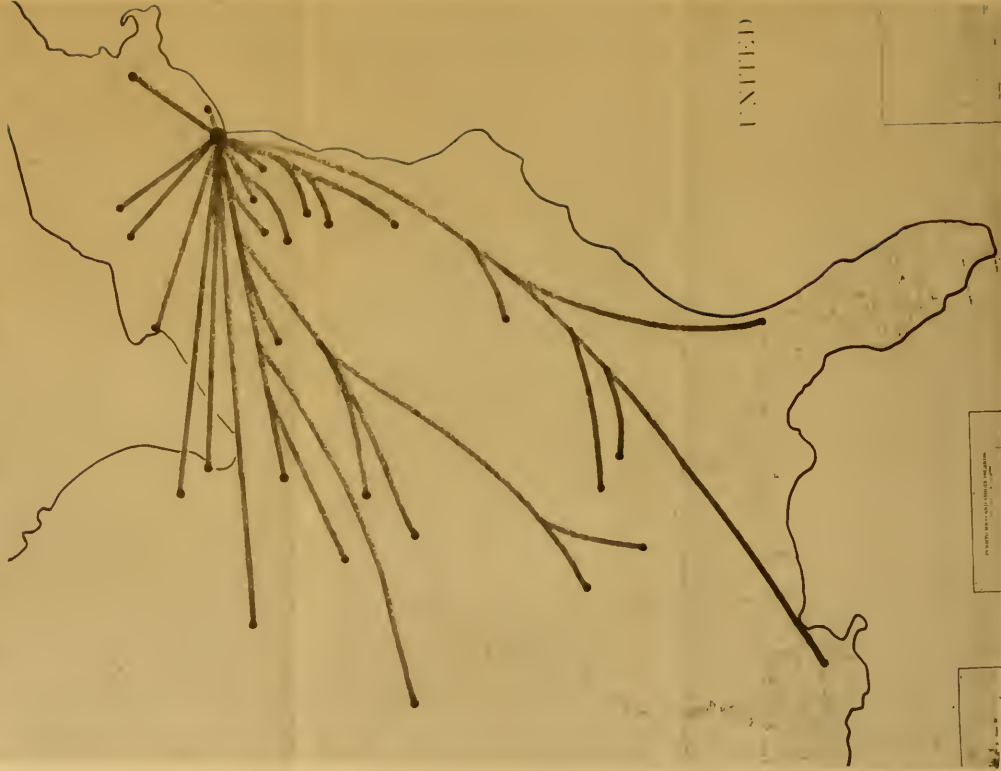
Chairman KEFAUVER. Let this chart be inserted here.

Mr. BOBO. In the business in which you are engaged in, have you ever operated in the State of New York, Pennsylvania, Ohio, Indiana, Missouri, Kentucky, West Virginia, Virginia, and New Jersey?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Have you ever had any contacts with any persons in any of those States?

INTERSTATE CONNECTIONS OF AL. STONE, ALIAS RUBIN NEW YORK DISTRIBUTOR OF PORNOGRAPHIC MATERIAL



Mr. RUBIN. I refuse to answer.

Mr. BOBO. Have you ever been arrested before?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. How long have you been associated either directly or indirectly with Eddie Mishkin in the pornography traffic?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. Does he know Mr. Mishkin?

Mr. BOBO. Do you know Mr. Mishkin?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. Where were you born?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. What is your citizenship, Mr. Rubin?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. How many children do you have?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. What is your present home address?

Mr. RUBIN. I already gave it to you.

Mr. BOBO. What is your present telephone number?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. Is your refusal to answer upon fear of bodily harm or reprisal?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Do you know Frank Lano, of Chicago, Ill.?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Have you ever done business with Mr. Lano in Chicago, Ill., or in New York City?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Mr. Rubin, is it true that your business in pornography amounts to approximately \$100,000 a year?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. How long have you known Mr. Lou Shomer?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Have you ever done business with Mr. Shomer?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. How long have you been doing business with Mr. Arthur Herman Sobel?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. The proper question would be does he know Mr. Sobel, and does he do any business with him.

Mr. BOBO. Do you know Mr. Sobel?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Rotto?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Have you ever done any business with him?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Stanley Jablonski?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Have you ever done any business with Mr. Jablonski?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Morris Lowenstein?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Have you ever done any business with him in Flint, Mich.?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Lou Saxton, of Pittsburgh, Pa.?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. How long have you known Mr. Saxton?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Isn't it true that you have made numerous large deliveries of pornographic material to the Bizon Co., in Detroit, Mich.?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Isn't it true that you were the original printer and distributor for the "Fuller Brush Man" series of obscene comics?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. For how many years did you publish these comics?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Can you explain how it is that your name and telephone number has been found in the address books of large dealers arrested over the country—dealers of pornography throughout the United States?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Do you know Mr. E. Red Florence of Houston, Tex.?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. How long have you done business with Mr. Florence?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. Do you know Mr. George Fodor, of Washington, D. C.?

Mr. RUBIN. I refuse to answer.

Mr. BOBO. For how long have you done business with Mr. Fodor?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. The witness refuses to answer.

Mr. Rubin, in the scant records which you gave to the subcommittee, is a copy of a statement of expenses and other things prepared by Mr. Marvin R. Fullmer.

My question is: Will you identify this, or are you willing to identify it?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. We will let the record be put in evidence as going with the questions which you refuse to answer.

(The information was marked "Exhibit No. 13," and is as follows:)

REVIEW OF INCOME TAX AND BANK STATEMENTS, 1950 THROUGH 1954

(By Marvin R. Fullmer)

Name: Abe Rubin, alias Al Stone.

Occupation: Wholesale trade, jewelry salesman, commission merchant.

Income tax

	Earnings	Tax paid
1950.....	\$9,796.82	\$1,059.80
1951.....	8,635.35	1,473.08
1952.....	8,688.76	1,613.50
1953.....	8,099.94	1,483.14
1954.....	7,919.44	1,332.06

Business figures

	Total receipts	Cost of mdse
1951.....	\$13,663.00	\$3,996
1952.....	16,429.25	5,737
1953.....	16,371.00	6,348
1954.....	16,820.00	6,145

How are these figures derived?

Receipts?

Bill of sale, etc.?

What is your basis of these figures?

Savings accounts

Greater New York Savings Bank: Present balance, \$8,314.40. Opened December 7, 1945, Mary Gordon, in trust for Abraham Rubin. Opening deposit, \$500.

Bay Ridge Savings Bank: Present balance, \$5,362.37. Opened May 23, 1950, Mary G. Rubin or Abraham Rubin. Opening deposit, \$350.

Checking account

The Public National Bank and Trust Co. of New York. Opened account October 29, 1951, \$1,500 deposit.

Total deposits

1951.....	\$6,748
1952.....	9,012
1953.....	5,275
1954.....	6,175

1954 expenditures taken from canceled checks

Auto, 5 months at \$75.....	\$375
Auto, 5 months at \$106.....	530
12 house payments at \$50.....	600
Income tax.....	1,500
Martin Harris (insurance).....	800
Standard Oil (car expenses).....	250
Net savings, deposits.....	4,072
City tax, etc.....	¹ 175
Telephone.....	¹ 75
Consolidated Edison.....	¹ 120
Total.....	8,494

¹ Approximate.

Reported income, \$7,919.

July 28, 1954, \$3,102.32 deposit by check (payor unknown) in savings account, Bay Ridge Savings Bank.

Safe-deposit box: The Public National Bank and Trust Company of New York, vault, No. 332. In whose name?

Any other boxes, etc.?

Chairman KEFAUVER. One part of it is that you have a safety-deposit box, No. 332, at the Public National Bank and Trust Co. of New York. Is that in your name, or not?

Mr. RUBIN. I refuse to answer.

Chairman KEFAUVER. Very well, Mr. Rubin. Mr. Rubin, I will have to ask you to remain under continuing subpoena in the event we want to call you back. In that event, you or Mr. Weiss will be notified.

I believe that is all for the time being.

Call the next witness, gentlemen.

Mr. BOBO. Mr. Andy Bruckner.

Chairman KEFAUVER. Is Mr. Bruckner here?

(There was no response.)

Mr. BOBO. Mr. George Fodor.

TESTIMONY OF GEORGE FODOR, ST. PETERSBURG, FLA.

(George Fodor was sworn.)

Chairman KEFAUVER. All right, Mr. Bobo. Proceed.

Mr. BOBO. Mr. Fodor, will you give us your full name and address?

Mr. FODOR. George Fodor, 3710 39th Street North, St. Petersburg.

Mr. BOBO. Do you also maintain a residence in Washington, D. C.?

Mr. FODOR. No, sir.

Mr. BOBO. Have you lived in Washington, D. C.?

Mr. FODOR. Yes; I did.

Mr. BOBO. When did you leave that city?

Mr. FODOR. Three and a half months ago.

Mr. BOBO. How are you employed, Mr. Fodor?

Mr. FODOR. What?

Mr. BOBO. How are you employed, what is your job?

Mr. FODOR. Working in a little store.

Mr. BOBO. Where were you born, Mr. Fodor?

Mr. FODOR. Warshaw, Rumania.

Mr. BOBO. Are you presently a United States citizen?

Mr. FODOR. Yes, sir.

Mr. BOBO. When you lived in Washington, D. C., how were you employed, Mr. Fodor?

Mr. FODOR. In the beginning or the end, or when?

Chairman KEFAUVER. Mr. Fodor, I cannot quite hear you. You are a big man; speak up.

Mr. FODOR. I will try, sir. When I started working, I worked at the J. Warehouse in Washington, D. C.

Mr. BOBO. Mr. Fodor, have ever dealt in pornographic material?

Mr. FODOR. Yes; I did.

Mr. BOBO. For how long a period did you sell pornography?

Mr. FODOR. Around 5 or 6 months.

Mr. BOBO. And where was this sold?

Mr. FODOR. In Washington, D. C.

Chairman KEFAUVER. When was this, Mr. Fodor; when were you in the business in Washington?

Mr. FODOR. I try to figure it out. I am very weak with the numbers memory. I guess in 3 years ago, or 2½ years ago.

Mr. BOBO. Three years ago?

Mr. FODOR. Yes, sir.

Mr. BOBO. What were the types of pornographic material handled by you, Mr. Fodor?

Mr. FODOR. I had films, comic books, and pictures.

Mr. BOBO. And from whom did you receive this pornographic material?

Mr. FODOR. Most of it I received from Mr. Dorfman.

Chairman KEFAUVER. I couldn't understand that.

Mr. FODOR. Most of it received from Mr. Dorfman, from Baltimore.

Mr. BOBO. D-o-r-f-m-a-n?

Mr. FODOR. Yes.

Mr. BOBO. Where did Mr. Dorfman live?

Mr. FODOR. In Baltimore some place. I don't know the address.

Chairman KEFAUVER. What is his first name?

Mr. FODOR. Ike.

Chairman KEFAUVER. Ike Dorfman?

Mr. FODOR. Yes, sir.

Chairman KEFAUVER. Isadore Dorfman, is it not?

Mr. FODOR. I don't know the name. Only I know Ike.

Mr. BOBO. Is Mr. Dorfman the only contact you had for pornographic material?

Mr. FODOR. No, sir. I had from Jacksonville, too.

Mr. BOBO. You got it from whom?

Mr. FODOR. Jacksonville.

Mr. BOBO. Jacksonville, Fla.?

Mr. FODOR. Yes.

Mr. BOBO. From whom did you buy it there, Stanley Jablonski?

Mr. FODOR. I don't know the name, sir.

Mr. BOBO. How would you buy it from the person in Jacksonville, Fla.?

Mr. FODOR. They brought to me. I brought in only once.

Mr. BOBO. They brought it to you?

Mr. FODOR. Yes, sir.

Mr. BOBO. In Washington, D. C.?

Mr. FODOR. Right, sir.

Mr. BOBO. How was the delivery made?

Mr. FODOR. He brought me with his car.

Mr. BOBO. He brought you his card?

Mr. FODOR. His car, his car.

Mr. BOBO. Do you know Edward Mishkin, M-i-s-h-k-i-n?

Mr. FODOR. I don't recognize his name, sir.

Mr. BOBO. Do you know anyone that goes by the name of Eddie, E-d-d-i-e, of New York City?

Mr. FODOR. No; if I know. If I see, maybe I know. But I don't know.

Mr. BOBO. Did you know Mr. Al Stone, or Mr. Abraham Rubin, of New York City?

Mr. FODOR. I saw just now here. That's all I know.

Mr. BOBO. That is the first time you have ever seen him?

Mr. FODOR. Yes.

Mr. BOBO. Have you seen Mr. Eddie Mishkin in the room today?

Mr. FODOR. Who?

Mr. BOBO. Mr. Eddie Mishkin.

(Mr. Fodor shakes head in negative.)

Mr. BOBO. Did you say you could recognize him if you saw him?

Mr. FODOR. I will try (looking through courtroom).

Mr. MARTIN. Is Mr. Mishkin in the room?

Mr. WEISS. I am his attorney. He is not coming up.

Mr. MARTIN. He is supposed to be in the courtroom here.

Mr. WEISS. He is here.

Chairman KEFAUVER. Sit down, Mr. Fodor.

Mr. BOBO. Who were your customers for pornographic material, Mr. Fodor?

Mr. FODOR. I had Mr. Chucoski.

Mr. BOBO. Is he the only person to whom you ever sold?

Mr. FODOR. No. I will tell you. Mr. Chucoski, Mr. King, Mr. Bannister.

Mr. BOBO. Where did they live, in Washington, D. C.?

Mr. FODOR. Yes; all Washington, D. C. Mr. Dockett.

Mr. BOBO. Did you ever make any trips to New York to purchase pornographic material?

Mr. FODOR. No.

Mr. BOBO. Do you know a Mr. Lou Shomer, S-h-o-m-e-r?

Mr. FODOR. If I see him, maybe I know him.

Mr. BOBO. Did you ever buy any materials from this man?

Mr. FODOR. I don't think so I did. I don't remember.

Mr. BOBO. Where would you make your purchases from Mr. Ike Dorfman, of Baltimore, Md.?

Mr. FODOR. I did; sometime he brought to me in Washington, D. C.

Mr. BOBO. What was the price that you paid for the materials you bought from him.

Mr. FODOR. Six cents I paid for the comic book.

Mr. BOBO. Six cents you paid for the comic book?

Mr. FODOR. Yes, sir

Mr. BOBO. How much did you sell them for?

Mr. FODOR. Ten cents.

Mr. BOBO. Did you deal in any other type of materials?

Mr. FODOR. Yes; films.

Mr. BOBO. Did you ever know where the films came from which you handled?

Mr. FODOR. No; I don't.

Mr. BOBO. You never manufactured or made any films yourself?

Mr. FODOR. No, sir.

Mr. BOBO. Did you rent a film to Mr. Philip Stone of Washington, D. C.

Mr. FODOR. Who?

Mr. BOBO. Mr. Phil Stone, of Washington, D. C.?

Mr. FODOR. I don't think so I ever heard that name. I heard mention this morning, I never give it up. I never sold, I never sold this Mr. Stone.

Mr. BOBO. Was the film that was confiscated at the Don Pallini Dance Studio in Washington, D. C.—

Mr. FODOR. What?

Mr. BOBO. Was the film that was confiscated taken by Inspector Blick of Washington from the Don Pallini Dance Studio your film?

Mr. FODOR. No, sir.

Mr. BOBO. You had not operated that film?

Mr. FODOR. I have no idea where is this dance studio, and I have no idea what was there, and I have no idea who is this man.

Mr. BOBO. Did you have a route serving approximately 300 customers for pornographic material?

Mr. FODOR. No, sir. Four.

Mr. BOBO. Four customers?

Mr. FODOR. That's right.

Mr. BOBO. What other type of business were you engaged in while you were selling pornography?

Mr. FODOR. No other venture. I had three—

Mr. BOBO. Did you sell school supplies to schools and drugstores?

Mr. FODOR. That's right. That is where I have 300 customers where I sold this; that's right.

Chairman KEFAUVER. You had 300 customers for your school supplies?

Mr. FODOR. That's right, sir.

Chairman KEFAUVER. Who were your four customers for pornography?

Mr. FODOR. Four.

Chairman KEFAUVER. Who were they?

Mr. FODOR. I just told you. Mr. Dockett, Mr. King, Mr. Chucoski, and Mr. Bannister.

Chairman KEFAUVER. Do you know their addresses?

Mr. FODOR. I did know. At that time I told to the inspector, and also to the FBI.

Mr. BOBO. Did you not have \$30,000 worth of school supplies in your basement at the time of your arrest?

Mr. FODOR. No, sir.

Mr. BOBO. What was the value you placed upon your stock?

Mr. FODOR. Six or seven thousand.

Mr. BOBO. Six or seven—what?

Mr. FODOR. Thousand.

Mr. BOBO. Six or seven thousand dollars?

Mr. FODOR. Between six and seven; yes, sir.

Chairman KEFAUVER. Do you remember just when you were in business, Mr. Fodor?

Mr. FODOR. I guess three, three and a half years ago.

Chairman KEFAUVER. What are you doing in Jacksonville now?

Mr. FODOR. I never was in Jacksonville, sir.

Chairman KEFAUVER. I mean in St. Petersburg?

Mr. FODOR. I try to do the same business what I had in Washington, D. C.—school supplies and notions and toys.

Chairman KEFAUVER. Anything else, Mr. Bobo?

Mr. BOBO. Did you have a total sales of \$50,613 in 1954?

Mr. FODOR. In this paper, the income tax; yes.

Mr. BOBO. Was all that derived from your business?

Mr. FODOR. Yes, sir.

Mr. BOBO. School supply salesman?

Mr. FODOR. Correct.

Mr. BOBO. Of your \$50,000 business in 1954, how much tax did you pay to the Government?

Mr. FODOR. I don't remember. You have the paper there.

Mr. BOBO. How much of this \$50,613 represented pornographic literature?

Mr. FODOR. Nothing.

Chairman KEFAUVER. Mr. Fodor, I believe those are all the questions we have. Stay in the court room for a while this afternoon?

Mr. FODOR. Yes, sir.

Mr. BOBO. Mr. Eddie Mishkin.

Chairman KEFAUVER. Mr. Mishkin, I don't think you have been sworn, have you?

Mr. MISHKIN. No, sir.

TESTIMONY OF EDDIE MISHKIN, YONKERS, N. Y.

(Eddie Mishkin was sworn.)

Chairman KEFAUVER. Let us get Mr. Mishkin's full name and address.

Mr. BOBO. Will you give us your full name and address?

Mr. MISHKIN. Edward Mishkin, 53 Algonquin Road, Yonkers, N. Y.

Chairman KEFAUVER. I didn't understand the road.

Mr. MISHKIN. Algonquin Road.

Chairman KEFAUVER. All right, Mr. Bobo.

Mr. BOBO. What are your businesses, Mr. Mishkin?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment to the Constitution.

Chairman KEFAUVER. The chairman directs you to answer.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Weiss, can we have an agreement that in his refusal to answer, when he says "I refuse to answer," that it will be understood that it is under the immunity provision of the fifth amendment?

Mr. WEISS. Certainly.

Chairman KEFAUVER. And that after having refused to answer, that he is then directed to answer by the chairman.

Mr. WEISS. Yes, sir.

Chairman KEFAUVER. Proceed to the pertinent questions, Mr. Bobo.

Mr. BOBO. Mr. Mishkin, is it not true that you own the Times Square Book Bazaar, the Little Book Exchange, and the Kingsley Book Store, located in the Times Square area of New York City?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Is it not true that part of your income is derived from the sales of pornographic material?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Is it not true that your business amounts to approximately \$1,500,000 a year?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Did you not formerly operate the Harmony Book Store of New York City?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Wasn't the Harmony Book Store, or is it not true that the Harmony Book Store was raided by the northern district attorney and over \$50,000 of pornographic material seized?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. From whom did you receive the material that was confiscated in this raid?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Confiscated in this raid were 2,600 volumes of Nights of Horror. From whom did you receive these books?

Mr. MISHKIN. I refuse to answer.

Chairman KEFAUVER. Mr. Mishkin, what business are you in?

Mr. MISHKIN. I refuse to answer.

Chairman KEFAUVER. Are you in any legitimate business?

Mr. MISHKIN. I refuse to answer.

Chairman KEFAUVER. Where were you born?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Is it not true that you employed one Eugene Maletta to print copies of Nights of Horror for you?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Did you furnish the plates to Eugene Maletta?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Did you furnish the money to Mr. Maletta to set up his printing shop?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. How long have you done business with Mr. Eugene Maletta?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Did you ever give Mr. Maletta a check in payment for the work he did for you?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Did you pay him in cash?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. What is the value in dollars of the pornographic material you have imported from foreign sources?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you import any pornographic material from foreign sources?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Have you ever made any buys from sources in Europe?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. How much obscene material have you sold to Joe Carroll and Mr. Pellegrino, of New York City, during the past 2 years?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. What types of material did you sell?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Have you ever stolen any material from other pornography dealers, copied what you wanted from it, and reproduced it for your own use?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you have any police record?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you have a man working for you by the name of Harry Revo?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Is this same Harry Revo that was arrested in Birmingham, Ala., with a load of pornographic material?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Did you not furnish Mr. Harry Revo and Johnny Melvin with this load of pornographic material?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Arthur Herman Sobel?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. How much pornographic material have you sold Mr. Sobel during the past 5 years?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Lou Saxton, of Philadelphia?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. And Pittsburgh, Pa.?

How much business have you done with Mr. Saxton?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Al Stone, alias Abraham Rubin?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. For how long have you known Mr. Stone, alias Mr. Rubin?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Have you ever sold any pornographic material to Mr. Stone, alias Rubin?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Morris Gillman?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Have you ever done any business of any type with Mr. Gillman?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Have you ever sold any pornographic material on credit?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you know Mr. Lou Shomer, S-h-o-m-e-r?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Have you ever dealt with or lent money to Mr. Shomer?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you have any interest in the Times Square Book Bazaar?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. In the Little Book Exchange?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. In the Kingsley Book Store?

Mr. MISHKIN. I refuse to answer.

Mr. BOBO. Do you have any interest in any other business in New York City?

Mr. MISHKIN. I refuse to answer.

Chairman KEFAUVER. Any other questions, Mr. Bobo?

We are not getting anywhere here. How old are you, Mr. Mishkin?

Mr. MISHKIN. I refuse to answer.

Chairman KEFAUVER. Are you married—do you have a family?

Mr. MISHKIN. I refuse to answer.

Chairman KEFAUVER. Mr. Mishkin, I will direct that you remain under subpoena subject to the further call by this committee upon notification of you or your attorney, Mr. Weiss.

That is all now.

Who is our next witness, Mr. Bobo?

Mr. BOBO. Mr. Arthur Herman Sobel.

Chairman KEFAUVER. Mr. Bohrar, you gave your address and what not yesterday, did you not?

Mr. BOHRAR. I did.

Chairman KEFAUVER. That is B-o-h-r-e-r?

Mr. BOHRAR. B-o-h-r-a-r.

Chairman KEFAUVER. Let the record show that Mr. Bohrar is accompanying Mr. Sobel and is his attorney.

Does Mr. Sobel object to having the television cameras on?

Mr. BOHRAR. He does.

Chairman KEFAUVER. Gentlemen, I will ask your cooperation.

This is Mr. Arthur Herman Sobel. Is that correct, Mr. Bobo?

Mr. BOBO. That is correct.

Chairman KEFAUVER. I have not sworn you, have I?

Mr. BOHRAR. Not yet. Mr. Sobel doesn't hear very well.

Chairman KEFAUVER. Mr. Sobel, you have not been sworn, have you?

Mr. SOBEL. No, sir.

TESTIMONY OF ARTHUR HERMAN SOBEL, NEW YORK, N. Y.

(Arthur Herman Sobel was sworn.)

Chairman KEFAUVER. Mr. Bobo, ask him in a loud voice so he can hear.

Mr. BOBO. Your name is Arthur Herman Sobel?

Mr. SOBEL. Right.

Mr. BOBO. Where do you live, Mr. Sobel?

Mr. SOBEL. 319 West 48th Street, Manhattan.

Mr. BOBO. That is Manhattan, New York?

Mr. SOBEL. That's right.

Mr. BOBO. How old are you?

Mr. SOBEL. Sixty-four.

Mr. BOBO. Mr. Sobel, have you ever been arrested before?

(Mr. Sobel confers with Mr. Bohrar.)

Mr. BOBO. Have you ever been arrested, Mr. Sobel?

Mr. SOBEL. I refuse to answer on the ground of incrimination, under section, fifth amendment.

Mr. BOBO. Were you arrested May 8—

Chairman KEFAUVER. Just a minute. Mr. Bohrar, is Mr. Sobel going to answer any questions?

Mr. BOHRAR. I don't think he will. In fact, I don't believe he will.

Chairman KEFAUVER. But you don't know for sure?

Mr. BOHRAR. I am certain.

Chairman KEFAUVER. Can we, then, Mr. Bohrar, have an understanding that when he says "I refuse to answer," that we will understand he is refusing to answer under the fifth amendment.

Mr. BOHRAR. He is invoking the fifth amendment.

Chairman KEFAUVER. And that as to each question he will be specifically directed to answer by the chairman of the committee.

Mr. BOHRAR. I understand.

Chairman KEFAUVER. Without formally directing him to answer.

Mr. BOHRAR. That is correct.

Chairman KEFAUVER. Proceed, Mr. Bobo.

Mr. BOBO. Were you arrested May 8, 1954, at Lincoln, R. I.

Mr. SOBEL. I refuse to answer on the fifth amendment.

Mr. BOHRAR. Just say you refuse to answer.

Mr. BOBO. Is it not true that the car you were driving contained a large amount of obscene literature when you were arrested at Lincoln, R. I.?

Chairman KEFAUVER. You refuse to answer?

Mr. SOBEL. Just a moment, your Honor. I would like to go into every detail about this particular case.

When I was arrested for speeding, they stopped me and they broke, the police broke into the car, for the reason because I had no proper license. They were registered under a name, Harold Kantor, to whom this car belonged.

They broke the lock of the car. They asked me for the keys of the trunk, a little suitcase about 2 by 1½, just about the size of the suitcase. They asked me whether I have the keys to the suitcase. I

told them I have not. They searched me all over, even internally, to look for the keys, but they could not find the key. I don't know what's in there. It does not belong to me.

They broke the suitcase open. In the suitcase they found various literature, probably 10 books, or 10 rolls, or some pictures.

All in all, after I spoke to Mr. Kantor when he gave me the car to deliver some merchandise to a store out in Worcester, he told me the whole thing amounts to about \$200, the entire thing, and that was actually what to my knowledge it would be worth, 10 books, 10 rolls, and a few other little things in it.

They arrested me. First they kept me overnight and they put me under \$1,500 bail the first time, and about an hour later they raised my bail and put in another charge for transportation.

I got an attorney recommended from the barracks, and this man told me that he was going to charge me \$100, and he got me a bondsman. I paid him the hundred.

Finally he told me he wants \$2,000 to try the case. I thought he was only out for money; I engaged another man, but the judge will not let the release for that attorney. get another attorney, unless I pay this man \$200 additional money, which I did.

A hearing was held. The troopers admitted that they broke into the car, they broke the lock, and they had all the evidence which they had right in that car. They had nothing on me whatsoever. I delivered the merchandise in Worcester, which I asked the man to let me have the car.

This man pleaded guilty, the same man who loaned me the car pleaded guilty in Federal court on January 5 for mailing and transportation of lewd literature. I don't know what happened to the sentence.

Chairman KEFAUVER. February 5 of this year?

Mr. SOBEL. This is a copy of the—

Chairman KEFAUVER. May I see that?

Mr. SOBEL. This is a copy of the pleading [handing to Chairman Kefauver].

This car belonged to this man.

Chairman KEFAUVER. You have given me, Mr. Sobel, United States District Court of the Southern District of New York, *United States of America v. Harold Kantor*, before the Hon. Lawrence E. Walsh, district judge, stenographer's minutes.

These minutes are where he pleaded guilty?

Mr. SOBEL. He pleaded guilty. You see, in this particular time, the case was on for about a year and a half.

This car was registered under his mother's name, which I found out later. He is the one who let me use the car. It was a 1937 Buick, that he paid \$75 for it, and he let me use it. I never knew what he had in the back of that car.

Chairman KEFAUVER. Let me see if I understand this.

You had Mr. Kantor's car and he had some—who is Mr. Kantor?

Mr. SOBEL. Who is he?

Chairman KEFAUVER. Yes.

Mr. SOBEL. Well, a fellow that I knew, that he used to be in the chemical business. I never knew that he handled any of that stuff.

He happened to come up to the place on a Friday. When I told him that I have an order to deliver to Worcester, and I don't know how to get there, he says, "Why don't you use my car?"

With that, he gave me the keys and he told me he had some stuff in back which I don't need, and he let me use the car.

With that I went with that car. I didn't know nothing about it, what was in that car. There was nothing on me in any shape or form.

Chairman KEFAUVER. What was it you delivered at Worcester?

Mr. SOBEL. In Worcester, I delivered a magazine called *Sunshine and Health*, that was a decision last week in the Supreme Court that is legal to use the mail and sell it.

Chairman KEFAUVER. And so you delivered some *Sunshine and Health* at Worcester?

Mr. SOBEL. I don't hear.

Chairman KEFAUVER. You delivered a magazine *Sunshine and Health* at Worcester?

Mr. SOBEL. I sold it to a store up there. And the man gave me a check, which they found in my possession, and he told them what I sold him.

Chairman KEFAUVER. Then you went on to Providence?

Mr. SOBEL. Then I went to Providence. I was going to go to a race track on a Saturday, but it was raining so bad that I decided to go back to New York, which I was turning, going to New York. I never stopped—they check everybody in the whole vicinity. They found a list in the car and they called everyone of them when they found that, whether they ever heard of me or saw me or they knew me. No one said that they knew me.

Chairman KEFAUVER. What happened in the case in Rhode Island?

Mr. SOBEL. Here is what happened to the case: Originally I got a certain man——

Chairman KEFAUVER. Did they let you out, or did they convict you?

Mr. SOBEL. I got an attorney who told me that he will—there is nothing to it, that he is going to the Supreme Court instead of the district court; they had no right to break into the car; they had no right to search me, the stuff does not belong to me.

After dragging the case for about a year and paying him all the money that was due him, \$1,000 that I agreed, he came down and he started to send me wires I should send him more money, 500, 500, which I didn't. And he saw that he couldn't get any more money out of me, he says, "The best thing for you in this particular case is for you to plead, whether no pros, it is not a conviction, you are letting the court to decide whether the decision in the case, and I will get a suspended sentence."

After I pleaded to that he sent me a wire back, which I have in my possession, I should send \$1,000 fine, otherwise they can't do it.

I told him why not withdraw the case and go to court with it. Well, he says, "The best thing to do, I can't withdraw my claim," and that's what happened. They gave me \$1,000 fine.

In other words, I was forced under duress, right in court, I told them I would like to withdraw my case and try the case, because I never had anything to do with it.

Chairman KEFAUVER. Anyway, you paid \$1,000?

Mr. SOBEL. I paid \$1,000 fine, and costs.

Chairman KEFAUVER. Where is Mr. Kantor now?

Mr. SOBEL. Mr. Kantor, I don't know where he is, but he is in—whether he was sentenced or not, I don't know.

Chairman KEFAUVER. Is he living now?

Mr. SOBEL. I don't know.

Chairman KEFAUVER. This transcript which shows about the car, will be filed as an exhibit here and not copied in the record, but filed as an exhibit.

(The document above referred to was marked "Exhibit No. 14," and is on file with the subcommittee.)

Mr. SOBEL. As a matter of fact, the lawyer had a——

Chairman KEFAUVER. How long were you in business in this Sunshine and Health magazine, Mr. Sobel?

Mr. SOBEL. About a year ago, in April, Dr. Boone came to me, I told him that if I can sell those magazines, and with that he gave me about 3,000 of them.

I knew that you can't sell them in New York—no; for a fact I had them quite awhile, but I didn't care to sell them in New York, for the reason that it was illegal to sell them on the newsstands, and I didn't want to handle them.

But he came down to me with a decision from a district court judge, admitting, getting an injunction against the postmaster. The United States court went and appealed the case to the court of appeals, and they upheld the decision of the district court.

Then the case went to the Supreme Court, it was last week or 2 weeks ago, and they refused to review the case, claiming this is not nudist.

Chairman KEFAUVER. The magazine you are talking about is called Sun Bathing; is that right?

Mr. SOBEL. Sun Bathing and—they have about 3 or 4 different magazines, but they are all on the similar, they have been printing them for the last 35 years, as I understood.

Chairman KEFAUVER. How long were you in the business of handling these magazines?

Mr. SOBEL. Well, probably since that time, since about March or February or April 1954.

Chairman KEFAUVER. Who is this Dr. Boone that you talk about?

Mr. SOBEL. Where is Dr. Boone?

Chairman KEFAUVER. Well, who is he and where is he?

Mr. SOBEL. Well, he is in Jersey, Mays Landing. Under the name Nudist magazine, or something in that effect.

Chairman KEFAUVER. What is Dr. Boone's first name, do you know?

Mr. SOBEL. I don't know. He is the president of the company.

Chairman KEFAUVER. You are right, the Supreme Court did in its decision make some ruling in connection with some of these, with the Nudist magazine and Sun Bathing. Are you still in that business?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. What is your regular business, sir?

Mr. SOBEL. My occupation now?

Chairman KEFAUVER. Yes.

Mr. SOBEL. Well, I sell various items, like perfume, which I have my own registered name. And I also sell various other novelty stuff, and so on.

Chairman KEFAUVER. Do you have a store?

Mr. SOBEL. No. I had quite an office, but being the publicity that came along, I had to curtail all my activities. I took just a mailing address, which I still maintain at the same place.

Chairman KEFAUVER. Where is your place of business?

Mr. SOBEL. 1133 Broadway.

Chairman KEFAUVER. What is the name of your business?

Mr. SOBEL. The name of the firm?

Chairman KEFAUVER. Yes.

Mr. SOBEL. Loki Co.

Chairman KEFAUVER. Along with your business, have you ever been in the business of selling pornography, distributing it?

Mr. SOBEL. No, sir. I had a factory on 11th Avenue for 5 years where I employed 400 people until 1949.

Chairman KEFAUVER. You had a factory in the——

Mr. SOBEL. Where I manufactured dolls and doll carriages.

Chairman KEFAUVER. You have perfume here, Loki, Paris of New York.

Mr. SOBEL. I am selling to various stores in New York, and Boston, and as a matter of fact in various other places.

Chairman KEFAUVER. You never have been in this film business?

Mr. SOBEL. No, sir; never did.

Chairman KEFAUVER. I don't see why you came here prepared to answer questions, then.

Mr. SOBEL. I don't know.

Chairman KEFAUVER. You haven't anything to hide?

Mr. SOBEL. I am charged with having in my possession \$50,000 worth of merchandise. Evidently I should be worth at least \$25,000, but my records, I have been sick in 1950 and 1951, I was operated in the hospital for about 3, 4 weeks, and I couldn't work after that. And then things didn't move along fairly well.

I started a few things. As a matter of fact, last year, in 1954, I had a firm that put up \$15,000 to go in business with them, they financed me the deal in the perfume business, which I was working at until this thing came along.

Chairman KEFAUVER. This trouble in Rhode Island, is that the only trouble you ever had?

Mr. SOBEL. No, sir, never been in Rhode Island.

Chairman KEFAUVER. In Providence.

Mr. SOBEL. Providence; no. Well, I was in Providence, probably I used to go to the races now and then. And then I would go out and try to buy some jobs in jewelry, but I don't think I was down there more than twice or three times during my lifetime.

Chairman KEFAUVER. I said, this time you got arrested and where you paid a fine when you had Mr. Kantor's car, is that the only time you have been in trouble with the law?

Mr. SOBEL. I have been in trouble before with the law. I have been in trouble for a few other times. I have been in trouble for not renewing a license for a gun, which I went to Boston, I stayed there for a couple of years. When I come down here I brought them back the license and they say to me, "Well, technically you are not guilty; morally you are guilty," and they gave me a fine—no, a suspended sentence. But I showed them I had a license in Boston.

At the time I brought the gun back to the station house, to take that gun and hold it, if I will renew my license or not, I don't know. He

says, "Take that check with you, and if the license will not be renewed, then you will bring it back."

As it came out, there was a fight in the street. They searched me and picked up the gun. They brought me back to the station, and they verified on it.

Chairman KEFAUVER. That was in 1930, possession of a revolver. You got a suspended sentence; is that it?

Mr. SOBEL. That's right.

Chairman KEFAUVER. I see in February 1934 you were charged with forging sweepstake tickets.

Mr. SOBEL. They weren't forged. As a matter of fact, I worked for the Government, for the Irish Government, a man by the name of Frisco employed me. I was getting at the time salary and expenses to work for him, for 2 years.

Chairman KEFAUVER. So that was a mistake.

Then October 1934, you got 3 months for gambling; did you not?

Mr. SOBEL. For gambling?

Chairman KEFAUVER. Yes.

Mr. SOBEL. That was the same charge. This is the same charge, gambling and possession of lottery tickets. That's what they charged for, possession of lottery tickets.

Chairman KEFAUVER. One seems to have been in February 1934, and the other seems to have been in October 1934.

Mr. SOBEL. No; it's wrong on that.

Chairman KEFAUVER. Then in July 1937, conspiring to transport stolen securities. What was that?

Mr. SOBEL. That was another case that has to be fully explained.

Just a moment, you fellows are laughing, but I will show you how justice was meted out in a United States court, which I have a copy of 1937 papers, where the papers came out, "Unusual procedure took place in Federal court," in two newspapers.

I had an attorney who died 3 days before the trial. It tells you everything right here. He died before the trial, and I wanted to get an adjournment, and the judge says, "No adjournment."

Butler objected to the adjournment, go on trial. And I had an attorney I just brought in for the day, and he appeared for me and he told the judge that the attorney died, which they knew, and they wanted an adjournment just to get the papers that my man, that my attorney had in his possession, because everything is locked on account of his death. They refused to give an adjournment.

Have you ever heard of it, like it?

Chairman KEFAUVER. If you want to file something here, we will make that an exhibit.

Mr. SOBEL. It is very interesting, what was done [handing document to Chairman Kefauver]. They promised me, after I refused; finally they coaxed me and threatened me with all kinds of threats. If I don't plead guilty I will get 10 years, or so many years.

As a result I pleaded guilty. The district attorney promised me I will get 3 months. Before, when it came up before the judge it came a year and a day.

But they claim here through my efforts, they bought \$12,000 worth of stolen stock in my office, but the people who have robbed the bank, the president of the bank, and a brewery man, for \$250,000, they got

a suspended sentence. It is all on records. You can have this and read it.

Chairman KEFAUVER. Is all of that in here?

Mr. SOBEL. No; it doesn't say about them, but I know it.

The papers said it. They got a suspended sentence, after robbing the public for a quarter of a million dollars.

Chairman KEFAUVER. You have given me a New Haven paper dated Tuesday, October 26, 1937.

Mr. SOBEL. That's right.

Chairman KEFAUVER. And this is the front page. It says:

STOCK THEFT "FENCE" GIVEN PRISON TERM

Herman Sobol, 49, New York City, alleged "fence" who is reported to have sold stolen securities at \$18,000 to George Brott, former cashier of the East Hampton Bank & Trust Company of East Hampton, was sentenced to 1 year and a day.

What is that fence; I didn't know what that meant.

Mr. SOBEL. What's that?

Chairman KEFAUVER. What does the word "fence" mean in this story?

Mr. SOBEL. A "fence" would mean a receiver.

Chairman KEFAUVER. So they charged you with receiving the securities?

Mr. SOBEL. No. They charged me with selling them, for conspiracy to sell them. But I never sold any, nor have I ever bought any of them.

Chairman KEFAUVER. Let this be inserted in the record.

(The information was marked "Exhibit No. 15," and is as follows:)

[From the New Haven (Conn.) Evening Register, October 26, 1937]

STOCK THEFT "FENCE" GIVEN PRISON TERM—NEW YORKER ALSO FINED \$2,000 BY FEDERAL COURT IN EAST HAMPTON BANK FRAUD

Herman Sobol, 49, New York City, alleged fence who is reported to have sold stolen securities at \$18,000 to George Brott, former cashier of the East Hampton Bank & Trust Co. of East Hampton, was sentenced to 1 year and a day in the Federal Penitentiary at Lewisburg, Pa., by Judge Carrol C. Hincks in the United States district court today after he had entered a plea of guilty to a charge of conspiracy to transport stolen securities.

In addition to the penitentiary term, Sobol was fined \$2,000, this to be paid before he is released from his sentence.

United States attorney Robert P. Butler informed the court that Sobol was 1 of 6 persons involved in the affairs of the defunct East Hampton bank. He said that Sobol was a fence who obtained 300 shares of Noranda Mines, Ltd. common stock valued at \$18,000 in 1936 and sold them to Brott and one Harry E. Price of Hartford, for \$1,200. These securities were later used by Brott as collateral to secure fake loans in the East Hampton bank, it was charged.

Mr. Butler said that when the affairs of the East Hampton Bank became known in 1936 an investigation revealed the stolen securities which were left as collateral for notes signed by Brott as cashier of the bank.

NAME FORGED

The stocks, Mr. Butler said, were stolen from the desk of R. Thornberry, an officer of the Nova Scotia Bank in New York. How they got into the hand of Sobol he said he did not know. The shares are issued in the name of William E. Cunningham, whose name was forged to the certificates.

Mr. Butler said that the person who forged the securities was known, but has not yet been apprehended. He said the man would probably be apprehended later.

Sobol appeared at first on a not guilty plea. He was represented by J. Michael Sullivan of New York City, prominent criminal lawyer, who asked the court for an adjournment of the case today declaring that he was called in at the last minute to represent Sobol when previous counsel died, and therefore had no time to prepare his case.

PLEA REFUSED

Mr. Butler objected to any adjournment declaring that he had witnesses present and that Sobol, up to 2 weeks ago, had employed David Paley. Judge Hincks turned down the plea for an adjournment and ordered Mr. Sullivan to proceed with the case. However, Mr. Sullivan said that the defendant would stand mute rather than go to trial unprepared.

Judge Hincks then asked if the defense counsel would desire a recess to inspect the indictment, and it was allowed. It was during the recess that Sobol decided to change his plea.

Bank Commission Walter Perry was among the spectators in court.

Mr. SOBEL. That's what happened in cases where you have no money to fight the cases and you are broke.

Chairman KEFAUVER. That was up in Connecticut in 1937, was it not?

Mr. SOBEL. That's the one; that's the case.

Chairman KEFAUVER. Now here in 1937 they have you charged with transporting stolen securities out in Pennsylvania.

Mr. SOBEL. This is the same identical case that you are referring to now. It happened, it took place—I was in New York. I was never in Connecticut. But the transaction took place in Connecticut. They had him indicted. Then they held me as a conspirator for selling it.

Chairman KEFAUVER. Did they try you down in Pennsylvania later, too?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. Didn't you get charged down in Pennsylvania?

Mr. SOBEL. With what?

Chairman KEFAUVER. Didn't they make a charge against you in Pennsylvania?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. Never had any trouble in Pennsylvania?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. What is this July 1937, National Stolen Property Act?

Mr. SOBEL. What's that? National what?

Chairman KEFAUVER. National Stolen Property Act, 1 year and 1 day, and a \$2,000 fine.

Mr. SOBEL. This is the same thing, right here.

Chairman KEFAUVER. Then this other thing was May 8, 1954, transporting obscene literature. That is the one you are talking about at Lincoln, R. I.?

Mr. SOBEL. That's right.

Chairman KEFAUVER. Mr. Bobo, do you have any questions you want to ask?

Mr. BOBO. I have a few questions, Mr. Chairman.

Did you ever sell any pornographic film to Mr. Harold Kantor?

Mr. SOBEL. No, sir.

Mr. BOBO. Did you ever have any business dealings other than this one time with Mr. Kantor?

Mr. SOBEL. No, sir. Except about 2 or 3 years back, it was the alcoholic business in Jersey, and I had some deal with him trying to get some perfume out of him.

Mr. BOBO. Do you know a Mr. Fred Berson?

Mr. SOBEL. Who?

Mr. BOBO. Fred Berson, B-e-r-s-o-n?

Mr. SOBEL. No.

Mr. BOBO. You never approached or talked or did any type of business with Mr. Berson?

Mr. SOBEL. Don't know him.

Chairman KEFAUVER. Have you ever done any business in Brooklyn?

Mr. SOBEL. No, sir.

Mr. BOHRAR. Did you hear the question? Did you ever do any business in Brooklyn?

Mr. SOBEL. What kind of business?

Mr. BOBO. Have you ever done any business in Brooklyn?

Mr. SOBEL. Well, I sold some merchandise up there, but I didn't sell any—except perfume, probably, or some other materials, like household goods.

Chairman KEFAUVER. Do you have some business with Delaware Wired Music Co. in Wilmington, Del.?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. Do you know that company?

Mr. SOBEL. No; never heard of them.

Chairman KEFAUVER. You never heard of them?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. Would you make phone calls to there?

Mr. SOBEL. Today?

Chairman KEFAUVER. No; to this Delaware Wired Music Co.?

Mr. SOBEL. In Wilmington?

Chairman KEFAUVER. Yes.

Mr. SOBEL. There were phone calls made by a fellow—if this is the fellow—who gives out information on races, and I think I had a fellow that was in my office—I mean, he used to come up occasionally—and told me he wants to make a few long distance calls. And I think those calls were made to Wilmington to get results on races, or something to that effect.

The same thing happened in Baltimore.

Chairman KEFAUVER. That is the Armstrong Sports Service in Baltimore?

Mr. SOBEL. That's right. If he made the calls, I don't know anything about it. Whatever calls he made, he paid me for them.

Chairman KEFAUVER. Was that in connection with any bookmaking business?

Mr. SOBEL. I don't know if he was connected, but he was using the phone. Probably a couple of times a week for about a month or so.

Chairman KEFAUVER. We have a long list of calls that you have made, and made back and forth to you, either by you or to you, from a whole bunch of what appear to be book stores or fun shops, and things of that sort. Do you know about those? I could name them off here to you.

Mr. SOBEL. If you will ask me the names I will probably recollect and recall.

Chairman KEFAUVER. I will just hand you this memorandum and let you see it. Here are three pages of them [handing to Mr. Sobel].

Mr. SOBEL. George Magic Store, I did call them a few times. As a matter of fact, I sold him some picture magazines, the same thing that I—I also had some stuff from a film out in Chicago. As a matter of fact, they are suing me for 2,000 books that they sent to me.

Chairman KEFAUVER. What kind of books were those?

Mr. SOBEL. Those are picture books, just models, you know, nothing else but models. They are selling them right along, they are sending them through the mails. I have the name, the Magic—they have about three different titles. I have the papers, because Dun & Bradstreet were trying to serve me with a summons.

Chairman KEFAUVER. He is trying to sue you for books that he claims you have not paid for?

Mr. SOBEL. What?

Chairman KEFAUVER. Is he trying to sue you for books he claims you have not paid for?

Mr. SOBEL. That's right.

When this case came up to Providence, of course they teletyped it to the different stations here in New York. And when I got back on a Sunday morning, Monday morning the police were in my hotel and the manager let them in to search my room. I found out only about it 3 weeks later, 3 months later.

When I got back to the office on a Monday morning there were also police down there searching the rooms, the place of business. And they went away. But they did find in there the magazine that I got from Chicago. They also found the magazines that were from the Sunshine and Health.

They were there, and then they sent over the inspector. The inspector came back and took two of those books with him.

About a week later the same officers came in; they says they got orders from the inspector to take those books out, although they were laying in a corner all tightly packed.

They took them out and they took them to the property clerk. I was arraigned in special sessions court, and the case was dismissed. And still in this day I couldn't get——

Chairman KEFAUVER. You were buying books from somebody in Chicago, and he is trying to sue you. Did you buy a lot of books from him?

Mr. SOBEL. Did I what?

Chairman KEFAUVER. Did you buy a lot of books from him?

Mr. SOBEL. I bought, yes. But I told him, if it weren't for the fact——

Chairman KEFAUVER. Where did you buy books from, Mr. Sobel? Chicago and anywhere else?

Mr. SOBEL. And those people here.

Chairman KEFAUVER. What people here?

Mr. SOBEL. The Sunshine and Health, in Mays Landing.

Chairman KEFAUVER. What would you do with the books?

Mr. SOBEL. They took the books away, and I never got them back.

So I reported to the property clerk to claim the books over there. They took it out of my place. Never offered to sell them, right here or any other place, except out of town.

Chairman KEFAUVER. Your counsel has a list there of 2 or 3 pages of fun shops where you called back and forth. What would all that be about? I don't want to go into the details.

Mr. SOBEL. This probably would be the Wilmington number. Hoboken number I don't know. Long Beach, St. Louis—that is one of the men that was in my office, Schlessler, calling St. Louis. Boston is Jack Goldberg. I was selling him perfume.

Philadelphia, Stanton Bernstein; I don't know him.

Jack Goldberg again in Boston.

Stone in Boston: I sold him a lot of perfume for a firm that I represented at the time, and I was working on a commission basis, and I probably called him a few times.

Stone Bros., they are on Hanover Street, this is the right address. I spoke to him a number of times.

Now, Irving, this is a man that I sold him magazines; he is a bookstore there.

Chairman KEFAUVER. Hand me back the book, please.

(Document returned to Chairman Kefauver.)

Chairman KEFAUVER. So those do represent some kind of calls back and forth about something, do they?

Mr. SOBEL. That's right.

Chairman KEFAUVER. Do you know Al Stone?

Mr. SOBEL. No; I don't know him.

Chairman KEFAUVER. Never saw him before?

Mr. SOBEL. No.

Chairman KEFAUVER. How about Mr. Mishkin, do you know him?

Mr. SOBEL. No; I don't know him either.

Chairman KEFAUVER. You have not had any business with Mr. Mishkin at all?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. Do you know Mr. Rubinstein, of Brooklyn?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. Who is Francis J. Pelletier?

Mr. SOBEL. Who?

Chairman KEFAUVER. Do you know Mr. Pelletier?

Mr. SOBEL. No, sir.

Chairman KEFAUVER. Mr. Bobo, anything else?

Mr. BOBO. No, sir.

Chairman KEFAUVER. We thank you for answering the questions. I think we got along a whole lot better than if you refused to answer. Don't you think so, Mr. Bohrer?

Mr. BOHRER. I think so. He did just exactly what he told me he wouldn't do.

Mr. SOBEL. If you people came and checked a picture, I couldn't hold out any more but tell the truth. This is actually the truth. It could be verified through the court over there, with my payment of the money, and the refusal to withdraw my plea after I gave the man all that money we agreed to, and I refused to go to court, after he had all the minutes written up.

Chairman KEFAUVER. Your experience with lawyers has not been very good, has it?

Mr. SOBEL. That's when you go through life, it happens.

Chairman KEFAUVER. I hope you don't get mixed up with these things any more.

Thank you, Mr. Sobel.

We will have about a 5-minute recess.

(Whereupon, a five-minute recess was taken.)

Chairman KEFAUVER. The subcommittee is glad to have a visit from Dr. Herbert C. Mayer, who is a distinguished former college president, who has given the subcommittee many worthwhile suggestions and helped us on several problems. We are glad to have you with us, Doctor.

Mr. Bobo, who is our next witness?

Mr. BOBO. Mr. Abe Rotto.

Mr. ROTTO. I object to the television.

Chairman KEFAUVER. I ask the cooperation of the press.

TESTIMONY OF ABE ROTTO, BROOKLYN, N. Y.

(Abe Rotto was sworn.)

Mr. LEVINE. I am H. Robert Levine, 154 Nassau Street, New York City.

Chairman KEFAUVER. You are Mr. Rotto's attorney, sir?

Mr. LEVINE. Yes; I am.

Chairman KEFAUVER. Proceed, Mr. Bobo.

Mr. BOBO. Your full name is Abe Rotto, R-o-t-t-o?

Mr. ROTTO. Yes, sir.

Mr. BOBO. What is your address, Mr. Rotto?

Mr. ROTTO. 55 Linden Boulevard, Brooklyn 26.

Mr. BOBO. In what business are you engaged?

Mr. ROTTO. At the present time I am selling novelties, pens, imported lighters, gadgets, balloons, various things for candy stores and small drugstores.

Mr. BOBO. Would you speak up, Mr. Rotto?

Mr. ROTTO. Yes, sir.

Mr. BOBO. From where do you conduct your business?

Mr. ROTTO. From 55 Linden Boulevard.

Mr. BOBO. Mr. Rotto, are you acquainted with a Mr. William Landers?

Mr. ROTTO. I refuse to answer under the immunity provisions of the fifth amendment.

Chairman KEFAUVER. Mr. Levine, I will direct the witness to answer questions that I wish answered. Can we let the record show that where he refuses to answer that he is directed to answer?

Mr. LEVINE. Yes; and that he refuses.

Chairman KEFAUVER. And that when he says he refuses to answer, we will have it understood that that is under the fifth amendment.

Mr. LEVINE. That is correct.

Mr. BOBO. Were you engaged in partnership with Mr. William Landers in the Landers Novelty Co., 220 Fifth Avenue, New York?

Mr. ROTTO. I refuse to answer under the immunity provisions of the fifth amendment.

Chairman KEFAUVER. We will let the record show what provision of the Constitution you are refusing to answer under. That is understood.

Mr. LEVINE. Yes.

Mr. ROTTO. Thank you.

Mr. BOBO. Do you know Mr. Ely Goldsmith of 1321 Nostrand Avenue, Brooklyn?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Were you arrested with Mr. Goldsmith on February 12, 1954, for the possession and sale of indecent books, films, and photos?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Were you released on \$250 bail after this arrest?

Mr. ROTTO. I refuse to answer.

Chairman KEFAUVER. Mr. Bobo, do you have the police record?

For the record, the report on which you base your questions may be put in the record.

Mr. BOBO. Were you arrested on July 29, 1954, at 197 Clarkson Street for having in your possession indecent films, books and photos?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. I hand you here a list of films and pornographic material and ask you is this a list of the material that was found in your possession as of that date [handing to Mr. Rotto]?

Mr. ROTTO. I refuse to answer.

Chairman KEFAUVER. Let it be put in the record to show on what the question was based.

(The document above referred to was marked "Exhibit No. 16," and is as follows:)

EXHIBIT No. 16

JULY 29, 1954.

At 11:30 a. m., July 29, 1954, Patrolman John Hayes, No. 9404, B. H. B. P. S., assisted by Patrolman Ray Lamas, No. 7709, B. H. B. P. S., arrested one Abe Rotto, male, white, 61 years, United States, address 55 Linden Boulevard. (Arrest No. 342, 71st precinct) Charge No. 1, violation of section 1141 P. L. (indecent films, books, and photos). Charge No. 2, violation of section 1142 P. L. (contraceptives, "French ticklers") having had in his possession with intent to sell and stored in premises a store (first floor) 197 Clarkson Street (4-story brick, stores, and dwelling), owned by E. Miller, 197 Clarkson Street, second floor.

Following removed and held as evidence:

Film:	<i>Rolls</i>
8-mm. film (indecent photos)-----	230
16-mm. film-----	84
Griswald film splicer, R2-R43662-----	1
Mansfield film splicer, Model No. 950-----	1
Books and booklets:	<i>Copies</i>
Indecent books, Boudoir Secret-----	227
Indecent booklets:	
Lazy Lovers-----	316
The Honeymoon-----	130
Books:	
Weekend at Nudist Camp (price, \$10 per copy)-----	201
Playing With a Mistress-----	60
Booklets:	
Various-----	103
Midnight Intimacies-----	18
Books, Affairs of Troubadore (price \$25)-----	37

Books and booklets—Continued

Booklets:

	<i>Copies</i>
London Stage-----	38
Jaws of Fate-----	26
Erratic Professor-----	21
Hollywood in June-----	63
Various-----	1, 130
Wedding Bells and others-----	740
Wally and the King and others-----	956

Photos:

Sets innocent photos (25 photos per set)-----	29
Sets lewd photographs-----	121½
Sets of lewd postcards-----	4
Lewd photos-----	300
Decks lewd playing cards-----	450
Package pornographic poses-----	1
Slides, immoral poses-----	9
Pieces obscene objects-----	49
Obscene novelty pins-----	202
Contraceptives "French ticklers" (violation Public Law 1142)-----	183
Small suggestive telescopes-----	160

(Portion of film shown in presence of defendant at 71st precinct, who admitted ownership.)

Also defendant's auto, 1949 Pontiac, 4-door, license No. 6Y-8066 seized and held as evidence. Found in auto: 1 roll 8-mm. film and 1 roll 16-mm. film and miscellaneous cards and salesbooks.

Following present at scene: D. C. I. Goldberg, D. I. Bradley, Capt. William Fleig, Patrolman Robert Kirschmeier, No. 14250; Arthur Long, No. 4644; Alex Greenwald, No. 6650; Patrolman Nolan, legal bureau; Assistant District Attorney Gaza.

Mr. BOBO. Is it not true that you have been in the business of selling pornography since 1935?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Do you know Mr. Al Stone, alias Abraham Rubin?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Is it not true that you have been purchasing and distributing pornography from Mr. Al Rubin, Mr. Al Stone, alias Abraham Rubin, since 1945?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Is it not true that Mr. Al Stone sold pornographic materials to you when you were in a partnership with William Landers?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Is it not true that he also supplied you with pornographic materials at 197 Clarkson Street, Brooklyn, N. Y.?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Is it not true that you refused to divulge the names of your suppliers of pornographic material because you feared bodily harm?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Mr. Rotto, you are—

Chairman KEFAUVER. Mr. Rotto, are you refusing to answer any of these questions because of fear of retaliation, what might be done to you?

(Mr. Rotto confers with Mr. Levine.)

Mr. ROTTO. I stand on my refusal, sir.

Chairman KEFAUVER. I did not understand. Are you in a business about which you can tell us at the present time?

Mr. ROTTO. I told the counsel what business I am in.

Chairman KEFAUVER. How big a business is that?

Mr. ROTTO. Very small, sir.

Chairman KEFAUVER. Do you sell just in your shop or do you get out on the street?

Mr. ROTTO. I have no shop; I go out soliciting the business.

Chairman KEFAUVER. You go out what?

Mr. ROTTO. I go out selling these items.

Chairman KEFAUVER. You go out selling the items about which you are talking?

Mr. ROTTO. Yes.

Chairman KEFAUVER. Where do you sell them?

Mr. ROTTO. I just got started; I just got a few, just a handful of customers I called on.

Chairman KEFAUVER. Do you sell in Brooklyn?

Mr. ROTTO. Yes, sir.

Chairman KEFAUVER. On what street do you work?

Mr. ROTTO. Wherever I can land, sir. No street. I am not a street-corner hawker, sir. I walk into a store and I try to sell the items that I have.

Chairman KEFAUVER. All right, Mr. Bobo; anything else?

Mr. BOBO. Have you ever been employed as a salesman for the Times Square Corp.?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Have you ever received any telephone calls from Mr. Al Stone, alias Abraham Rubinstein?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Do you know Edgar Maynard Levy, of Washington, D. C.?

Mr. ROTTO. I refuse to answer.

Mr. BOBO. Have you ever done any business with Mr. Levy?

Mr. ROTTO. I refuse to answer.

Chairman KEFAUVER. Well, Mr. Rotto, we will keep you under continuing subpoena subject to further call of the committee, upon notice to you or your counsel, Mr. Levine. That is all now.

Mr. ROTTO. Thank you, sir.

Chairman KEFAUVER. Call our next witness.

Mr. BOBO. Mr. Eugene Maletta.

Mr. LAZER. My client will object to the use of television.

TESTIMONY OF EUGENE MALETTA, RICHMOND HILL, N. Y.

(Mr. Maletta was sworn by the chairman.)

Chairman KEFAUVER. Mr. Maletta—by the way, what is your name, sir?

Mr. LAZER. Leon D. Lazer, 120-09 Liberty Avenue, Richmond Hill, N. Y.

Chairman KEFAUVER. Richmond Hill, N. Y.?

Mr. LAZER. Richmond Hill; yes, sir.

Chairman KEFAUVER. Mr. Maletta, what is your address?

Mr. MALETTA. 188-29 120th Avenue, St. Albans, N. Y.

Chairman KEFAUVER. All right, Mr. Bobo. You ask Mr. Maletta your questions.

How old are you, sir?

Mr. MALETTA. Twenty-eight.

Chairman KEFAUVER. Let me ask one or two questions.

Mr. BOBO. Yes.

Chairman KEFAUVER. Were you born here in New York?

Mr. MALETTA. Yes, sir.

Chairman KEFAUVER. Where did you go to school?

Mr. MALETTA. I don't want to get it in the papers.

Mr. LAZER. You have got to answer the questions.

Mr. MALETTA. I went to P. S. 62, P. S. 108. Then I went to Stuyvesant High School, and then to City. I finished school after I came out of the Army in Jamaica High School on Long Island.

Chairman KEFAUVER. Do you want to tell us what business you are in?

Mr. MALETTA. I am in the printing business, sir.

Chairman KEFAUVER. What is the name of your company?

Mr. MALETTA. Pilgrim Press.

Chairman KEFAUVER. 103-43 Lefferts Boulevard, Richmond Hill?

Mr. MALETTA. Yes, sir.

Chairman KEFAUVER. You started in this about 1950?

Mr. MALETTA. Yes, sir.

Chairman KEFAUVER. Is that a corporation?

Mr. MALETTA. No, sir; it is sole ownership.

Chairman KEFAUVER. How large a press is this?

Mr. MALETTA. I have a fairly large place, Senator.

Chairman KEFAUVER. How many people do you employ?

Mr. MALETTA. I employ three, sir, plus my wife who helps me out.

Chairman KEFAUVER. What do you print at this press?

Mr. MALETTA. We print any printing job at all, Senator, any type of printing. We do business cards, any type of printing that is called for in the normal course of an office work, or anything such as that.

Chairman KEFAUVER. Did you print Nights of Horror?

Mr. MALETTA. I refuse to answer that question under the fifth amendment, that it may tend to incriminate me, Senator.

Chairman KEFAUVER. I will have to direct you to answer it.

Mr. MALETTA. I would still have to refuse, Senator under the fifth amendment.

Chairman KEFAUVER. Can we understand, then, Mr. Lazer, that when the questions are asked, Mr. Maletta will be directed to answer.

Mr. LAZER. Yes; that is agreed to, Senator.

Chairman KEFAUVER. And if he refuses to answer we will understand that that is under the fifth amendment.

Mr. LAZER. That is agreed to.

Chairman KEFAUVER. All right, Mr. Bobo.

Mr. BOBO. Mr. Maletta, did you ever have in your possession plates used for printing Nights of Horror?

Mr. MALETTA. I refuse to answer.

Mr. BOBO. Mr. Maletta, have you ever been arrested?

Mr. MALETTA. I refuse to answer.

Mr. BOBO. It is not true that you were arrested in New York for printing and having in your possession obscene literature under the title of Nights of Horror?

Mr. MALETTA. I refuse to answer.

Mr. BOBO. Is it not true that the plates which you had in your possession were furnished to you by Mr. Eddie Mishkin?

Mr. MALETTA. I refuse to answer.

Chairman KEFAUVER. Do you know Mr. Eddie Mishkin?

Mr. MALETTA. I refuse to answer, Senator.

Chairman KEFAUVER. How large is this business of yours; what is your gross business a year?

Mr. MALETTA. Well, I don't have my tax forms; they have it. But I think last year I did—I am not sure, Senator; I mean, every day I do business. But I think I did about between thirty-five and forty thousand dollars. I am not sure exactly, Senator.

Chairman KEFAUVER. I understand that the reports you have given here show forty-odd-thousand dollars.

Mr. MALETTA. I will tell you the truth, all I did was sign the form. My accountant comes every month, and he does it.

Chairman KEFAUVER. Is Mr. Levine your regular lawyer—I mean Mr. Lazer?

Mr. LAZER. May I make a statement, Your Honor?

Chairman KEFAUVER. Yes.

Mr. LAZER. Rather, Senator. I represent Mr. Maletta in some, matters, and I don't in some other matters.

I think you might describe me as one of his lawyers.

Chairman KEFAUVER. All right. Thank you, sir.

Continue, Mr. Bobo.

Mr. BOBO. Mr. Maletta, when did you first begin in the printing business?

Mr. MALETTA. I first began in the printing business working for someone else, sir, after I came out of the Army.

Mr. BOBO. When did you first establish the Pilgrim Press?

Mr. MALETTA. I think 1950. I think I am in it 5 years.

Mr. BOBO. At that time what was your net worth, Mr. Maletta?

Mr. MALETTA. To start my business I borrowed money, to be exact.

Mr. BOBO. From whom did you borrow this money?

Mr. MALETTA. I borrowed money from my mother, and later on from banks to help increase the business.

Mr. BOBO. Have you ever borrowed any money from Mr. Eddie Mishkin?

Mr. MALETTA. I refuse to answer under the fifth amendment.

Mr. BOBO. What is your net worth as of today, Mr. Maletta?

Mr. MALETTA. I will estimate. I could not say exactly. I have about \$35,000 worth of equipment and fixtures, plus stock.

Mr. BOBO. In the past 4 years you have purchased most of this equipment valued at approximately \$35,000?

Mr. MALETTA. Yes, sir.

Mr. BOBO. Was all the income you derived from printing, stationery, business cards, and items of that type?

Mr. MALETTA. I refuse to answer this.

Mr. BOBO. Did anyone furnish you the money to purchase the equipment which you are now using?

Mr. MALETTA. No; no one furnished me with any money, except the banks. I did borrow from various banks.

Mr. BOBO. Mr. Maletta, have you ever printed any memo pads entitled "Things To Do Today"?

Mr. MALETTA. I refuse to answer.

Mr. BOBO. Did you ever sell any of these memo pads to Mr. Eddie Mishkin, or the Kingsley Book Store?

Mr. MALETTA. I refuse to answer.

Mr. BOBO. Did you buy an offset press at the figure of \$5,000?

Mr. MALETTA. Yes. I bought it from Craig & O'Kane Corp.

Mr. BOBO. Did you receive any of the funds for purchasing this press, Mr. Eddie Mishkin?

Mr. MALETTA. I refuse to answer that.

Mr. BOBO. Is an offset press the type of press that uses plates to present printed matter?

Mr. MALETTA. If I interpret you, in other words, it uses plates to reproduce; and that's it.

Mr. BOBO. Have you ever printed any books or magazines of any type?

Mr. MALETTA. I have printed various books and literature.

Chairman KEFAUVER. Is it the Nights of Horror—do you know this Cosmo Boy—do you know the book Nights of Horoor?

Mr. MALETTA. I refuse to answer that.

Chairman KEFAUVER. Very well. I guess that is all, Mr. Maletta. We may want to call you back again, sir.

Mr. LAZER. We will hold ourselves ready.

Chairman KEFAUVER. I should say that a number of these witnesses plead the fifth amendment, all of these matters will be studied by the staff of the committee and submitted to the whole committee for such action as may be indicated.

I must say that personally I don't see the justification for the plea in answer to many of the questions that have been asked by counsel. We have had before us some people who the records show are substantial people in this pornographic business, Mr. Mishkin particularly, whose name appears as one of the big operators, the kingpins in the business, in a good part of the country.

I cannot say what will be the action on some of these pleas, but they will be presented to the committee, and my personal recommendation will be to the committee that the pleas are not justified in answer to a good many questions by counsel.

Who is our next witness?

Mr. BOBO. Mr. Lou Shomer.

TESTIMONY OF LOUIS SHOMER, BROOKLYN, N. Y.

(Mr. Shomer was sworn by the Chairman.)

Chairman KEFAUVER. You are counsel?

Mr. RACHSTEIN. Yes, sir. Jacob Rachstein, R-a-c-h-s-t-e-i-n.

Chairman KEFAUVER. What is your address, Mr. Rachstein?

Mr. RACHSTEIN. 280 Broadway, New York.

Chairman KEFAUVER. You are counsel here for Mr. Shomer?

Mr. RACHSTEIN. Yes, sir.

Chairman KEFAUVER. All right, Mr. Bobo.

Mr. BOBO. Would you give us your full name?

Mr. SHOMER. Louis Shomer.

Mr. BOBO. What is your present address, Mr. Shomer?

Mr. SHOMER. 1541 East Fifth Street, Brooklyn.

Mr. BOBO. Is that Brooklyn, N. Y.?

Mr. SHOMER. Yes, sir.

Mr. BOBO. Mr. Shomer, in what business are you engaged?

Mr. SHOMER. In the real-estate business.

Mr. BOBO. Would you speak up so I can hear you?

Mr. SHOMER. I am in the real-estate business.

Mr. BOBO. Mr. Shomer, have you ever been engaged in handling pornographic materials?

Mr. SHOMER. Yes, sir.

Mr. BOBO. In what type of pornographic materials have you dealt?

Mr. SHOMER. I took photographs, improper photographs.

Mr. BOBO. You took improper photographs?

Mr. SHOMER. Yes, sir.

Mr. BOBO. Showing obscene acts and perversion?

Mr. SHOMER. Yes, sir.

Mr. BOBO. When were you engaged in this business?

Mr. SHOMER. Before the war.

Mr. BOBO. What year was that?

Mr. SHOMER. 1940, I believe.

Mr. BOBO. To whom did you sell these photographs which you took?

Mr. SHOMER. I didn't sell any photographs. I just took the photographs. I was a photographer.

Mr. BOBO. I can't hear you, Mr. Shomer.

Mr. SHOMER. I didn't sell these photographs; I just did the photography.

Mr. BOBO. For whom did you work?

Mr. SHOMER. For Jack Brotman.

Chairman KEFAUVER. I did not understand you.

Mr. SHOMER. Jack Brotman.

Chairman KEFAUVER. How do you spell the last name?

Mr. SHOMER. B-r-o-t-m-a-n.

Chairman KEFAUVER. Where does he live; where is he?

Mr. SHOMER. I don't know, sir.

Chairman KEFAUVER. You don't know?

Mr. SHOMER. No, sir. I haven't seen him since then.

Mr. BOBO. Did that take place in New York City?

Mr. SHOMER. Yes, sir.

Mr. BOBO. Mr. Shomer, have you ever been arrested?

Mr. SHOMER. I was arrested then.

Mr. BOBO. What sentence did you receive?

Mr. SHOMER. I was sentenced to the city prison.

Mr. BOBO. Have you ever been arrested since that time?

Mr. SHOMER. Once.

Mr. BOBO. What were you arrested for then?

Mr. SHOMER. I don't remember the charge, but it was possession of indecent or improper literature, possession, and transportation.

Mr. BOBO. Where did that arrest take place?

Mr. SHOMER. In Portsmouth.

Mr. BOBO. Portsmouth, Maine?

Mr. SHOMER. No. Portsmouth, Va.

Mr. BOBO. At that time what type of pornographic material did you have in your possession?

Mr. SHOMER. I didn't have it in my possession. I was accompanying a friend, and he was riding down to Florida. He had some trouble with the car then, and he was arrested and I was with him.

Mr. BOBO. Do you know from whom your friend received the pornographic material he had in the car?

Mr. SHOMER. No, sir.

Mr. BOBO. What is the name of your friend that was arrested with you?

Mr. SHOMER. Ben Riceburg.

Mr. BOBO. How do you spell that?

Mr. SHOMER. R-i-c-e-b-u-r-g.

Mr. BOBO. R-i-c-e-b-u-r-g?

Mr. SHOMER. I think so.

Mr. BOBO. Where does Mr. Riceburg live?

Mr. SHOMER. Somewhere in New York. I don't see him.

Mr. BOBO. You have not seen him since the time you were arrested?

Mr. SHOMER. No; I saw him once last year.

Mr. BOBO. What was his address at the time you were arrested?

Mr. SHOMER. I don't remember.

Mr. BOBO. Mr. Shomer, have you ever had any dealings, or do you know Mr. Ike or Isadore Dorfman, of Baltimore, Md.?

Mr. SHOMER. No, sir.

Mr. BOBO. Haven't you ever met, or didn't you in fact, in 1953, meet Mr. Dorfman and George Fodor in Washington, D. C.?

Mr. SHOMER. No, sir.

Mr. BOBO. Did you meet these two people in Brooklyn, N. Y.?

Mr. SHOMER. No, sir.

Mr. BOBO. Have you had any business dealings at all with Mr. Isadore Dorfman and Mr. George Fodor?

Mr. SHOMER. No, sir.

Mr. BOBO. Do you know where the Brooklyn Navy is?

Mr. SHOMER. Yes, sir.

Mr. BOBO. Did you not in 1953 meet with Mr. Ike Dorfman and Mr. George Fodor in the company of a man named Ben?

Mr. SHOMER. No, sir.

Mr. BOBO. Do you know Edgar Maynard Levy of Washington, D. C.?

Mr. SHOMER. No, sir.

Mr. BOBO. You have never had any business dealings with Edgar Maynard Levy?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. He formerly lived on Tinker Drive on Long Island.

Chairman KEFAUVER. You don't know him?

Mr. SHOMER. No, sir.

Mr. BOBO. Do you know Mr. Eddie Mishkin?

Mr. SHOMER. No, sir.

Mr. BOBO. Have you ever had any business dealings at all with the Kingsley Book Store?

Mr. SHOMER. No, sir.

Mr. BOBO. Or the Times Square Corp.?

Mr. SHOMER. No, sir.

Mr. BOBO. Have you ever had any, or do you know Mr. Al Stone?

Mr. SHOMER. No, sir.

Mr. BOBO. Have you ever had any business dealings with Mr. Al Stone, alias Abe Rubin?

Mr. SHOMER. No, sir.

Mr. BOBO. Mr. Shomer, do you have the original records which were called for in your subpoena?

Mr. SHOMER. Yes, sir, I have everything.

Mr. BOBO. Do you have those where they could be presented to the subcommittee?

Mr. SHOMER. Yes, sir.

Mr. BOBO. What was your income for the year 1954?

Mr. SHOMER. I have the records here, sir.

Chairman KEFAUVER. Well, about how much was it?

Mr. SHOMER. About eight or nine thousand. It's a joint income, sir.

Mr. BOBO. Joint income of you and your wife?

Mr. SHOMER. Yes, sir.

Mr. BOBO. In the business in which you are engaged, what was the gross business which you did?

Mr. SHOMER. Which business do you mean, sir? The real estate business?

Mr. BOBO. The real estate business.

Mr. SHOMER. I have just gone into it in the last 2 months.

Chairman KEFAUVER. You have gotten out of the other and gone into this; is that right?

Mr. SHOMER. I have been out of business now since 1947. I had a publishing business, and my health failed, and I had to give it up. The business was on its way down.

Chairman KEFAUVER. Didn't you write some books and some articles?

Mr. SHOMER. I used to write the Laugh Library at that time, publisher. It was distributed nationally on the newsstands.

Chairman KEFAUVER. When you would make these pictures, to whom did you sell them?

Mr. SHOMER. I didn't sell them; I just did the photography for someone else.

Chairman KEFAUVER. Someone else would furnish you the models and the equipment and you would make the pictures?

Mr. SHOMER. No. The party that I worked for subsequently was arrested, we all were arrested, and his conviction, because he opened up on everyone. I was just the employee.

Mr. BOBO. Do you know Mr. Harry Kunkelman?

Mr. SHOMER. No, sir.

Mr. BOBO. Cleveland, Ohio?

Mr. SHOMER. No, sir.

Mr. BOBO. Akron, Ohio?

Mr. SHOMER. No, sir.

Mr. BOBO. You have never sold or dealt in any motion-picture film with Mr. Kunkelman?

Mr. SHOMER. No, sir.

Mr. BOBO. Have you ever received any negatives from Mr. Kunkelman or transferred any negatives to him?

Mr. SHOMER. No, sir.

Chairman KEFAUVER. Mr. Shomer, we don't want to get you in any trouble here, but we have a lengthy letter from the captain of detectives out at Akron, saying that they had Harry Kunkelman before them and he received a great deal of films, from their investigation, and that Mr. Kunkelman's statement was that one of the principal sources of this material was from you.

Mr. SHOMER. That's not true, sir.

Chairman KEFAUVER. You don't think that is true?

Mr. SHOMER. I know it is not.

Chairman KEFAUVER. You never shipped any out to Akron?

Mr. SHOMER. Never, sir.

Chairman KEFAUVER. You don't know Mr. Kunkelman?

Mr. SHOMER. No, sir.

Chairman KEFAUVER. You don't know this man Harry Kunkelman at all?

Mr. SHOMER. No, sir.

Chairman KEFAUVER. How much material of pornographic nature was in this automobile in which you were riding with your friend in Portsmouth, Va.?

Mr. SHOMER. There were several packages, but I don't know how much.

Chairman KEFAUVER. You mean several big packages?

Mr. SHOMER. I really don't know.

Chairman KEFAUVER. Where was he taking it, to Florida?

Mr. SHOMER. I really wouldn't know.

Chairman KEFAUVER. You were riding with him. To where did you start out?

Mr. SHOMER. We left from Brooklyn.

Chairman KEFAUVER. And where were you going to?

Mr. SHOMER. We were going to Florida.

Mr. CHUMBRIS. Where in Florida?

Mr. SHOMER. Miami.

Mr. CHUMBRIS. Who to in Miami?

Mr. SHOMER. I wouldn't know.

Mr. CHUMBRIS. Where did you finally end up?

Mr. SHOMER. Portsmouth. In jail.

Mr. BOBO. Did your friend make any stops between Newark and Portsmouth, Va., and drop off any pornographic literature or anything in his car?

Mr. SHOMER. No, sir.

Mr. BOBO. Neither you nor he stopped at any place?

Mr. SHOMER. No, sir.

Mr. BOBO. Have you ever been in Port Chester, N. Y., Mr. Shomer?

Mr. SHOMER. Where?

Mr. BOBO. Port Chester, N. Y.

Mr. SHOMER. No, sir.

Mr. BOBO. You never have met Mr. Edgar Maynard Levy in Port Chester, N. Y., and transferred to him large quantities of pornographic material?

Mr. SHOMER. Never.

Chairman KEFAUVER. All right, Mr. Shomer. If we want you again, we will get in touch with Mr. Rachstein.

Mr. BOBO. I have just one more question, Senator, if I may.

Chairman KEFAUVER. All right.

Mr. BOBO. During the past month, from April through May 15, you have deposited in the bank some \$16,733.20.

Mr. SHOMER. Yes, sir.

Mr. BOBO. Was that all derived from what source?

Mr. SHOMER. When I sold the large book company I had about \$25,000 or \$30,000, and I got about \$10,000 for the large book company. Then I sold my house, I got \$11,000 out of that.

Mr. BOBO. When did you sell your book company?

Mr. SHOMER. I sold that to——

Mr. BOBO. When?

Mr. SHOMER. In 1947.

Mr. BOBO. This is April 4, 1955, we were speaking of, March 29, 1955, through April 2, 1955.

Mr. SHOMER. Yes, sir. Now may I have the question again, please?

Mr. BOBO. From what source did you derive the \$16,733.20?

Mr. SHOMER. I have the money at my broker's. I ordered the money from my broker. I got a \$10,000 check and a \$2,000 check from my broker.

Mr. BOBO. Who is your broker?

Mr. SHOMER. Barron G. Helbig & Co.

Mr. BOBO. Do you know Mr. Gennaio Di Napoli and Mr. Ralph Ardolina?

Mr. SHOMER. Yes, sir.

Mr. BOBO. You paid them on March 31, 1955, \$4,000?

Mr. SHOMER. That's right.

Mr. BOBO. What was that payment for, sir?

Mr. SHOMER. That's a contract on a house on East Second Street, 1714. The closing will be the end of July, July 28, I believe—June 28.

Mr. BOBO. And your average income, according to your bank deposits, is some \$2,000 a week from March 29 to April 2?

Mr. SHOMER. Bank deposit?

Mr. BOBO. Yes.

Mr. SHOMER. I have no bank deposit.

Mr. BOBO. In the National City Bank of New York City.

Mr. SHOMER. It is a bank account I just opened up to do the real estate business. Whenever I need any money I get it from the broker. I didn't have any prior bank accounts. I would sell some stock and get what I need.

Mr. BOBO. March 29 to April 2, April 4, 6 days, you had transactions involving \$16,733.20?

Mr. SHOMER. Yes, sir. I have the contracts here.

Chairman KEFAUVER. All right, Mr. Shomer. Thank you.

Mr. RACHSTEIN. Your Honor, is his checkbook available, by any chance?

Chairman KEFAUVER. Can we return it to him, Mr. Bobo?

Mr. BOBO. Yes [handing].

Mr. RACHSTEIN. Thank you very much, Your Honor.

Chairman KEFAUVER. Since being here we have received a good many letters from people expressing interest in the hearing. I am particularly interested to receive one letter today postmarked Brooklyn, May 25. It says:

DEAR SIR: This is an unsolicited advertisement received by a 16-year-old high-school boy.

Sincerely,

AN ANXIOUS MOTHER.

The advertisement apparently came in this envelope [exhibiting], Atine Co., 631 Third Avenue, New York City. The advertisement try to speak for itself. I am going to put the advertisement soliciting, trying to sell movies, nude pictures, various and sundry kinds of things, in the record. This will be made part of the files.

(The matter above referred to was marked "Exhibit No. 17," and is on file with the subcommittee.)

Chairman KEFAUVER. Maybe some of the press would like to see what is being sent out through the mails.

The other witnesses that we have subpoenaed, and some others, will be asked to come back next Tuesday, the 31st. Our hearing that morning will begin sharply at 10 o'clock.

We stand in recess until next Tuesday.

(Whereupon, at 4:30 p. m., the subcommittee recessed until 10 a. m., Tuesday, May 31, 1955.)

JUVENILE DELINQUENCY

(Obscene and Pornographic Materials)

TUESDAY, MAY 31, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,
TO INVESTIGATE JUVENILE DELINQUENCY,
New York, N. Y.

The subcommittee met, pursuant to adjournment, at 10:20 a. m., in room 1703, United States Court House, Foley Square, New York City, N. Y., Senator Estes Kefauver, chairman, presiding.

Present: Senators Estes Kefauver and William Langer.

Also present: Peter N. Chumbris, associate counsel; Vincent Gaughan, special counsel; George Butler, investigator; George Martin, investigator; Pat Kiley, investigator, and William Haddad, consultant.

Chairman KEFAUVER. As chairman of the subcommittee, I want to apologize for being late this morning; although I left Washington in ample time, my plane had some difficulty in landing and also finding a place to put out the airport—the traffic was pretty bad, too.

We are awfully glad to have Senator Langer with us again this morning at this hearing.

Today the subcommittee is holding its third hearing on pornographic material and its tie-in to juvenile delinquency.

At our first meeting last Tuesday, several witnesses established the correlation between pornographic material and juvenile delinquency, which I think most of us understood, anyway.

Dr. Karpman, for instance, the famous criminologist, said that he was convinced that the distribution of these materials among youngsters in many cases led to unnatural sex practices and to juvenile delinquency.

Father Egan and others testified that they had noticed a definite increase in the use of these materials by youngsters.

On Thursday the pattern of sale and distribution of these materials was established. Pornography was shown to be "big business" with tentacles in almost every community in the Nation.

The members of the subcommittee were shocked to learn that children as young as 3 and 4 years old were being used in making pornographic films. Although this low age bracket is the singular case, it was established that boys and girls in their upper teens, not only see these films, but actually engage in their manufacture and sale. In most cases these children are being exploited by unscrupulous adults.

On Thursday several witnesses saw fit to avail themselves of the self-incriminations of the fifth amendment. I feel that all of these witnesses were unjustified in refusing to answer some of the ques-

tions and, as I stated at the time, my recommendation would be that they be proceeded against for contempt of the Senate.

Today we are recalling some of these witnesses for additional questions. Several portions of their testimony are in need of clarification. If they see fit, they can use this opportunity to cooperate with the committee, and that will be taken into consideration.

Senator LANGER. I say, Mr. Chairman, you have unanimous support in your attitude as to those pleading the fifth amendment.

Chairman KEFAUVER. Thank you, Senator Langer. I am certain that the other members of the committee will feel that they were unjustified in refusing to testify and answer some of the questions.

In our hearings last week we saw that the pornography business operates partially, at least, because of loopholes in the Federal law to curtail distribution of these materials.

In addition, widespread use of pornography exists because of inadequate local and State laws. I sincerely hope that every community will evaluate its own pornography laws and possibly revamp them in the light of information extracted at these hearings.

Any community that desires the help of the staff of the subcommittee or of the subcommittee need only to write and we will assist them in any way possible.

I am glad to say that there is a communication and a contact between the members of this staff and many legislators and enforcement officials throughout the country.

Of course, in the final analysis the attitude of the public will be what will determine whether this business is going to be stamped out or not.

We have had witnesses who have testified as to the seriousness of this problem, one, that they think this is more serious than communism; others think that it is more serious than narcotics. In any event, we do think the hearings have brought out that it is of more sinister influence than most people have thought.

Today we will hear from postal and customs officials about their problems in curtailing the distribution of pornography; we will also hear from subpoenaed witnesses who are allegedly engaged in the sale, distribution, and manufacture of pornographic materials.

By cooperating with this subcommittee these witnesses can help wipe out this hideous business that preys like a vulture upon many of our innocent children.

Senator Langer, do you wish to make any statement before we call our first witness?

Senator LANGER. No, Mr. Chairman.

Chairman KEFAUVER. Mr. Chumbris, our associate counsel, will conduct the examinations today. Mr. Bobo had another assignment he had to begin this morning.

Mr. Chumbris, who is our first witness?

Mr. CHUMBRIS. Samuel Roth.

Chairman KEFAUVER. Mr. Roth, will you come around, sir?

Do you solemnly swear the testimony you will give this committee will be the whole truth, and nothing but the truth, so help you God?

Mr. ROTH. Yes, sir.

TESTIMONY OF SAMUEL ROTH, NEW YORK, N. Y.

Mr. CHUMBRIS. Mr. Roth, will you please state your name and address?

Mr. ROTH. My name is Samuel Roth. My address is 110 Lafayette Street, New York City.

Mr. CHUMBRIS. And what is your occupation?

Mr. ROTH. I both write and publish books.

Mr. CHUMBRIS. For how long a period of time have you been writing and publishing books?

Mr. ROTH. About 38 years.

Mr. CHUMBRIS. How long have you been at that location at 110 Lafayette Street?

Mr. ROTH. About 5 years.

Mr. CHUMBRIS. Would you please state the names of some of the books that you publish?

Mr. ROTH. Before I do I have two very short statements I wish to make to the committee that may save it a great deal of trouble and time. May I?

Chairman KEFAUVER. All right, Mr. Roth.

Mr. ROTH. Thank you.

Chairman KEFAUVER. Providing you will talk a little bit louder.

Mr. ROTH. During my brief appearance before this committee last year I read a statement written by my attorney, Mr. Nicholas Atlas.

Chairman KEFAUVER. What is his name?

Mr. ROTH. Nicholas Atlas.

Chairman KEFAUVER. All right.

Mr. ROTH. This statement apprised the committee that I was under indictment in two courts, and it cited a United States Supreme Court decision that in effect establishes the immunity of all evidence offered by a witness before a congressional committee from use in any action against him in any other court.

Upon my concluding the reading of the statement, Senator Hendrickson accused me of pleading the fifth amendment.

I want it to be established in the record that this is not so. I believe in the fifth amendment, but I know that it will be at least 50 years before an honest man will be able to plead it without being misunderstood.

It is my stand before this committee that I have a right to the protection granted me under the above-mentioned United States Supreme Court ruling, but that I will happily answer the questions of the committee if I am ordered to do so.

Chairman KEFAUVER. We are glad to have your statement, Mr. Roth.

Mr. ROTH. I have one more, and I wish to read that.

Chairman KEFAUVER. Very well, sir.

Mr. ROTH. If this committee is limited to an inquiry into the causes of juvenile delinquency in our midst, it is going far off its course in questioning me. With the single exception of a book of instruction for children, entitled "Tina and Jimmy Learn How They Were Born," written by my daughter for the instruction of her own children. I have never published or advertised a book an adolescent would bother to

read. I have never offered books to juveniles, and refused to serve them whenever they were so identified in my mails.

Sensational as my advertising appears to the eye, it can hardly be of interest to any but people sophisticated enough to resist my verbal charm.

I don't think this committee has reached the heart of the problem of juvenile delinquency. Father Egan only suggested it when he testified before this committee on its first hearings that there is no more smut in circulation today than in previous periods; it is just that the juveniles of our time have no respect for the religion of their elders. This goes to high office as well as to the home.

Chairman KEFAUVER. Anything else, Mr. Roth?

Mr. ROTH. Nothing else. Thank you. I am now ready to answer questions.

Chairman KEFAUVER. We are glad to have you make your statements. They will, of course, be printed in the record with the rest of your testimony.

Mr. ROTH. Thank you.

Mr. CHUMBRIS. Mr. Roth, where were you born, and when?

Mr. ROTH. I was born on November 17, 1894, in what is now Poland.

Mr. CHUMBRIS. When did you come to this country?

Mr. ROTH. I came to this country in 1904.

Mr. CHUMBRIS. Where did you first reside in the United States?

Mr. ROTH. I don't remember that. It was on Broome Street, 273 Broome Street.

Mr. CHUMBRIS. New York City?

Mr. ROTH. New York City.

Mr. CHUMBRIS. I understand you stated that you have been in this business about 38 years?

Mr. ROTH. That's right.

Mr. CHUMBRIS. In the publishing business?

Mr. ROTH. That's right.

Mr. CHUMBRIS. You are connected with certain companies that published such books as Gargantuan Books; is that correct.

Mr. ROTH. That is not correct. Gargantuan Books is a trade name which I have used for distributing books for a period of 6 weeks.

Mr. CHUMBRIS. And are there any other such books that you have used as a trade name; would you please tell us?

Mr. ROTH. I can't remember them, but there are at least 15.

Mr. CHUMBRIS. And Seven Sirens Press; is that one?

Mr. ROTH. No. Seven Sirens Press is the mother corporation of all my activities.

Mr. CHUMBRIS. How about Gargoyle Books?

Mr. ROTH. That is a name.

Mr. CHUMBRIS. Book Gems?

Mr. ROTH. That is another name.

Mr. CHUMBRIS. Falstaff Books?

Mr. ROTH. That is another name.

Mr. CHUMBRIS. Paragon Books?

Mr. ROTH. That, too.

Mr. CHUMBRIS. Do you publish and edit Good Times?

Mr. ROTH. Yes, sir.

Mr. CHUMBRIS. The American Aphrodite?

Mr. ROTH. That's right.

Mr. CHUMBRIS. Beautiful Sinners of New York?

Mr. ROTH. Yes, that is a past publication.

Mr. CHUMBRIS. Lila and Colette and the Isles of Love?

Mr. ROTH. Yes.

Mr. CHUMBRIS. Do you distribute any nudist books?

Mr. ROTH. Yes.

Mr. CHUMBRIS. Would you please name those?

Mr. ROTH. They are books whose names are really numbers. Their general title is "N. U. S.," and they are very beautiful nudes which come through the Customhouse and are sanctioned by the custom censorship.

Mr. CHUMBRIS. Do you distribute "Nudist Colony"?

Mr. ROTH. Yes. That was one of the titles.

Mr. CHUMBRIS. Adult Companion?

Mr. ROTH. I don't—it is something that has to do with my business, but I do not remember whether it is a book or—oh, yes. Of course. It is a Treasury of Literature, edited by Tiffany Thayer.

Mr. CHUMBRIS. Bedside Treasure?

Mr. ROTH. That's another book exactly like that.

Mr. CHUMBRIS. Lady of the Sofa?

Mr. ROTH. That's by Crabon. That's one of my books. It is a great French classic.

Mr. CHUMBRIS. Nudes?

Mr. ROTH. That comes under N. U. S. I have never had the book called Nudes, as I remember it.

Mr. CHUMBRIS. Loves of the Orient?

Mr. ROTH. Yes; that's a book.

Mr. CHUMBRIS. Fiery French Nudes?

Mr. ROTH. No. It is the way I would advertise the book of nudes, but it is not the title of a book.

Mr. CHUMBRIS. The Nude in the——

Chairman KEFAUVER. Let's just see. Did you advertise the book that way?

Mr. ROTH. That's right. I think I remember advertising a book that way.

Mr. CHUMBRIS. The Nude in the French Theatre?

Mr. ROTH. Yes.

Mr. CHUMBRIS. Strange——

Mr. ROTH. That I should call your attention to it. The introduction to it was by Anatole France, who was a Nobel prize winner.

Mr. CHUMBRIS. Strange Loves?

Mr. ROTH. Yes. That's a regular—it is a book published by one or the other of the big publishers which I bought as a remainder.

Mr. CHUMBRIS. Red Light Babe?

Mr. ROTH. There you have got me. I don't remember that.

Mr. CHUMBRIS. You don't remember that one?

Mr. ROTH. It sounds like a paper-covered book that I also bought as a remainder.

Chairman KEFAUVER. What do you mean "bought as a remainder," Mr. Roth?

Mr. ROTH. Most of my business is buying regular publishers' books that the publishers themselves—if publishers publish 5,000 books and sold only 4,000, he sells the remainder of the 1,000 to me as a remainder, and that makes it possible for me to make almost a publisher's profit.

MR. CHUMBRIS. Her Candle Burns Hot?

MR. ROTH. That's the title of a book? If you say so, it would be one of those paper-covered books, but it would be a very harmless book if I sold it.

MR. CHUMBRIS. Carnival of Passion?

MR. ROTH. Yes; that I remember.

MR. CHUMBRIS. Women of Plentipunda?

MR. ROTH. Yes. That's an adaptation of an old book.

MR. CHUMBRIS. Now, referring to the Women of Plentipunda, is that the same book which you described in this advertising, in these words:

Since adolescence represents an age, psychiatrists tell us, during which a youngster's normal sexual curiosity reaches a high point—

Would it be fair to say that the kinds of materials you handle would be of particular interest in this age group?

MR. ROTH. You begin by saying that you were reading something of mine; you wind up with something that doesn't sound like me. Is that a question you are asking me?

MR. CHUMBRIS. This is one of your advertisements on these particular books—on this particular book The Women of Plentipunda.

MR. ROTH. Did you read me my advertisement of it?

MR. CHUMBRIS. Yes.

MR. ROTH. I didn't recognize it. Would you please read it again?

MR. CHUMBRIS. Is that the same book which you describe in this advertising in these words, and I quote:

Since adolescence represents an age, psychiatrists tell us, during which a youngster's normal sexual curiosity reaches a high point—

would it be fair to say that the kinds of materials you handle would be of particular interest in this age group?

MR. ROTH. I would say not, because in the first place the expression "Plentipunda" is a purely Indian one—it belongs to the Indian, to the religion of the Hindus.

In the second place, if you have a page, any page of that book, as a matter of fact, it is a philosophically written book, a description of what might be considered a Utopia, a Utopia that people imagine for themselves, but which is hardly described in that book in any language that could even be of the faintest interest to children.

Besides that, I can't be appealing to children because we advertise only in the most adult magazines. In the first circular that we send people we ask them for their age, and that is how our list is made up.

The cheapest book we sell is \$1.98, and that very rarely—usually it is \$2.98, and we can't expect children to pay us any prices like that; and we wouldn't sell them these books under the circumstances.

We don't think that any—I don't think that any kind of a book written in adult fashion can possibly appeal to children. If there is anything there that you think would appeal to children, I would like to hear it.

MR. CHUMBRIS. I will hereby show you some advertising material that reached the hands of a minor. This advertising material, one is on the French Pornographer, Good Times, and The American Aphrodite, which return address is Book Gems, 110 Lafayette Street, which you testified are concerns with which you are connected.

Will you please tell us, is this your type of advertising [handing to Mr. Roth]?

Mr. ROTH. Yes. I have already conceded that my type of advertising is very exciting, but anybody can see who has ever tried to read one of those books—you take for instance the book *The French Pornographer*, you would find an adult under 30 who has not had a college education would find it difficult to go beyond the third page, or even beyond the first page.

It is a very fine book; it is a translation from the French.

I deal almost exclusively in French classics. I could say that my exciting style of advertising is a net that I spread among people who have not had a chance for a very good education to get good books into their homes, and I am prepared to prove that almost every book, except those paper-covered books, which I do not consider harmful, are within the realm of either contemporary or modern classics, except those books, and most of the books that I advertise in my magazines are books more than 2,000 years old, books that have been classics for 20 centuries.

Now, do you want me to tell you about this?

Chairman KEFAUVER. Well, first, Mr. Roth——

Mr. ROTH. I don't want to take up too much time.

Chairman KEFAUVER. Is all of this material you have here, advertising which you have sent out?

Mr. ROTH. Yes.

Chairman KEFAUVER. Very well. Let it be made——

Mr. ROTH. Except for the sheet of written paper on top of it. The front there seems to be a letter sent to the committee by somebody.

Mr. CHUMBRIS. By the mother of a minor child.

Mr. ROTH. That was really what I should have answered first.

Chairman KEFAUVER. It will be made an exhibit here and part of the record.

(The information was marked "Exhibit No. 18." The advertisement is on file with the subcommittee. The letter accompanying the literature reads as follows:)

This enclosed filth was sent to a 15-year-old boy from Gargoyle Books, 110 Lafayette Street, New York 13, N. Y. I think it's time something should be done about this contribution to juvenile delinquency. I intend to follow this through.

ANONYMOUS.

Mr. ROTH. I believe it got here by accident.

Mr. CHUMBRIS. Mr. Roth, you stated previously in answer to my question that you made sure that you asked the ages of persons to whom you sent your advertising and material.

Mr. ROTH. That's right.

Mr. CHUMBRIS. That particular letter did get to a minor; is that correct?

Mr. ROTH. That's right.

Mr. CHUMBRIS. Mr. Roth, do you have name lists?

Mr. ROTH. Yes, sir.

Mr. CHUMBRIS. How many names would you say are on your name lists?

Mr. ROTH. At present they come to about 400,000.

Mr. CHUMBRIS. 400,000?

Mr. ROTH. Yes, sir.

Mr. CHUMBRIS. Where do you receive those name lists?

Mr. ROTH. Mainly from publications?

Senator LANGER. From what?

Mr. ROTH. Mainly from publications. I, for instance, advertise by sending out lists like these to lawyers, doctors, dentists, bankers, responsible business people. There is no way in which I can help it if a child would grab his father's mail and put down on it that he is 80 years old. How would I know?

Mr. CHUMBRIS. Now, Mr. Roth, when you acquire these name lists from these various publications, what inquiry do you make as to whether the person is a minor or an adult?

Mr. ROTH. Well, the first circular we send them we ask them to put down their age. I admit that they don't always do so; but we judge by the fact—in the first place, I wish to make this very, very emphatic—I don't believe this circular might excite the mind of an older person to want the book, which is what it is intended to do, would be of the faintest interest to a juvenile, because the words won't mean anything to him; they are not written in his language.

Senator LANGER. What about the pictures? Would they interest a juvenile?

Mr. ROTH. They might. But they are always very beautiful pictures and within the law—entirely within the law.

I believe I shall have to comment on that as the questions are asked me.

Chairman KEFAUVER. Mr. Roth, just out of some of our correspondence that we have received—and this is not all of it [exhibiting]—here is a letter from Mrs. Shuler in Davenport, Iowa, saying that this was received by her 8-year-old son—some of your advertising [handing to Mr. Roth].

Here is a letter from Schoharie, N. Y., from Catherine S. Rickard:

We received some objectionable literature, but from another company, Gargoyle Books.

It says:

I am enclosing the whole thing, and I was just fortunate to notice it before the children got a hold of it.

Apparently this was addressed to her son. This is marked "Personal."

Mr. ROTH. Is the original envelope there?

Chairman KEFAUVER. Yes; it seems to be there.

Mr. ROTH. May I see it?

Chairman KEFAUVER. Yes [handing to Mr. Roth].

Here is one to L. Mann, Lake Junaluska, N. C.:

We have reason to believe this letter contains literature which should not be allowed to go through the mails.

This was addressed to a child, age 17:

We do not know where she is so cannot forward this. Two years ago she left camp.

Anyway, it was sent to a young girl who was in camp [handing to Mr. Roth].

Here is one to a 15-year-old boy. Postmaster in Erie, Pa., sent this. This was sent to a 15-year-old boy, apparently.

Here is one from Burlington, Iowa, in which a mother says it was sent to a juvenile—it does not give his age [handing to Mr. Roth].

Here is one that seems to have gotten to Mr. J. Edgar Hoover in some way [handing to Mr. Roth].

Mrs. Garrett Wilson back in Ohio, who complained to her Congressman about her children getting this thing here [handing to Mr. Roth].

Here is one from the president of a college at Columbus, Ohio, saying literature like this came to him and to others at the college [handing to Mr. Roth].

Here is one forwarded by a college president to Mrs. Oveta Hobby. She, in turn, sent it to us [handing to Mr. Roth].

Mr. Roth, you say you make sure that none of your literature reaches the young people. What do you say about all of this?

Mr. ROTH. I would like to answer this.

Chairman KEFAUVER. You identify these as being literature that you sent out?

Mr. ROTH. Yes; these were all things that were sent out by my office, under my general direction.

Chairman KEFAUVER. By your various corporations or publications, or publishing companies?

Mr. ROTH. Yes, sir.

Chairman KEFAUVER. They will all be made exhibits, together with the accompanying letters, which speak for themselves.

(The information was marked "Exhibit No. 19." The advertisements are on file with the subcommittee. The letters accompanying the literature read as follows:)

We have reason to believe this letter contains literature which should not be allowed to go through the mails. Miss M. is a (age 17) young girl who attended our camp several years ago and we do not know where she is so cannot forward this. Two years ago after she left camp, similar mail came for her, unsealed, second class, which we did not forward when we found it contained obscene material. Please investigate.

ANONYMOUS.

BURLINGTON, IOWA, *November 20, 1953.*

POSTMASTER GENERAL,

Washington, D. C.:

Enclosed find literature that was mailed to my home. It was sent to my son who tore it up. Why are such vile pictures permitted to be sent through the mail? It is no wonder we have so many sex crimes and juvenile delinquency if this kind of literature can be had. I think it is a disgrace to all decency and I am very angry that my address is used for such a purpose. I think this firm should not be permitted to use the mail and that they should not be permitted to print such pictures. I hope that you can do something to stop them.

Sincerely yours,

Mrs. E. B.

DAVENPORT, IOWA, *October 28, 1953.*

POSTMASTER GENERAL,

Washington, D. C.

DEAR SIR: Enclosed please find an advertisement that was sent to my 18-year-old son. He is now in college and this was forwarded but it is evident that these are being sent to boys in preparatory schools.

We are always hearing that the Postal Department is run at a loss and rates should be raised. I resent very much paying taxes to pay my postman to deliver this type of thing. I have always understood that there was a law about the type of literature that could be sent through the mail.

I should appreciate a statement from you as to the legality of this publication.

Very truly yours,

Mrs. C. S., Jr.

SCHOHARIE, N. Y., *November 20, 1953.*

POST OFFICE INSPECTOR,
Washington, D. C.

DEAR MR. SIMON: Again we received some objectionable literature, but from another company: Gargoyle Books, 110 Lafayette Street (8th floor), New York, N. Y. I'm enclosing the whole thing, and I was just fortunate to notice it before the children got a hold of it.

Is there any way we can find out where they obtain my husband's address? Could such a practice be abolished—especially for such obscene material?

Thank you very much for your previous investigation, and for anything you do this time.

Sincerely yours,

C. S. R.

CORVALLIS, OREG., *June 12, 1953.*

Mrs. OVETA CULP HOBBY:

It is, to the best of my knowledge, that you are in the position of doing what you can for the welfare of our country. This is a problem that I wish could be solved. I live in a college town and for years these obscene ads have been coming to our students. I feel it is one of the worst demoralizing influences we have to bring our Nation low.

I have no idea if or how anything can be done about it.

The envelopes are marked "Personal." The P. O.'s are strewn with them. Students are curious and make good bait.

Thank you.

C. D.

COLUMBUS, OHIO, *October 9, 1953.*

Mr. J. EDGAR HOOVER,
Director, FBI, Washington, D. C.

DEAR MR. HOOVER: Isn't there some way to stop such filth as the enclosed, from coming to decent people through the United States mail?

This is the worst that I have ever seen and one of our graduate students who is helping out in the office was so shocked at this awful stuff that she insisted I write you at once about it.

Very truly yours,

G. S. R.

Mr. ROTH. May I continue, please?

Chairman KEFAUVER. Yes; you may continue.

Mr. ROTH. Thank you.

You will notice that a few of these in which the original envelope is offered, the addresses are not on stencils. This one [indicating] is not on a stencil; this one is not on a stencil; and those are where the original envelope has not been received; they are probably names of people who were addressed through the telephone directories, which is why their first name is "Dr. So-and-So." That covers the letter which reached Mr. Hoover—J. Edgar Hoover—and it covers another letter that I heard you say had been sent in by a doctor.

Chairman KEFAUVER. Apparently these are written out and copies are made, and then the name and address is just cut off with a scissors and pasted on.

Mr. ROTH. Yes, I realize that. But I want to explain what this means, this little thing [exhibiting]. It means that these people on the list, which another company addressed for me, and in which I got the best assurance you can possibly get from people you do business with, that they were not going to minors; and these happened to be minors.

There is no point in my disputing that, when my real point is that if they reached minors they couldn't possibly have any bad influence

on them, and they would disregard them. They would disregard them because the language which my circulars are written in may mean something to a Senator, may mean something to a mature adult, but cannot mean anything to a boy or a girl.

Mr. CHUMBRIS. Mr. Roth, do you mean to say that these pictures that are present on this folder [exhibiting] will not excite a minor if it gets into his hands? Won't you take a good look at those [handing to Mr. Roth]?

Mr. ROTH. When you put these pictures against the battery of females that any child sees on any morning in a ride through the subway, in a walk through a street, this is ridiculous as an argument against my business. These are——

Chairman KEFAUVER. Mr. Roth, just a minute.

Mr. ROTH. Forgive me, I shouldn't have said that at all. I am sorry.

Chairman KEFAUVER. You have a pamphlet there with nude females in various positions, and some of them with nude males, apparently. You are comparing those with what you see when you ride on a subway?

Mr. ROTH. Yes. It is not unusual to see a man with his arm around a woman who is naked up to here [indicating], and if the child wants to play around with that kind of an image it can very well imagine the rest of the body to be as naked as the upper part of it.

Chairman KEFAUVER. Mr. Roth, if this won't excite children——

Mr. ROTH. I don't think so.

Chairman KEFAUVER. Children are more easily excited than adults.

Mr. ROTH. Look at this. This is a cartoon, and it is a cartoon that can hardly give anybody pleasure in looking at it.

Mr. CHUMBRIS. Why do you spend so much money putting these photos on that advertisement if it does not excite the men that you hope to sell the books to?

Mr. ROTH. I beg your pardon; I didn't say that. I said that I do hope to excite the men into buying these good books.

Mr. CHUMBRIS. Why doesn't it excite the children then?

Mr. ROTH. Because children's minds are different. They are probably better than the minds of mature people in that respect. A child you have got to tell, to give a real image, or the child just disregards it.

Chairman KEFAUVER. You think men, then, are more susceptible to harm from pornography, or lewd pictures, than children.

Mr. ROTH. I don't consider these lewd pictures by any means.

Chairman KEFAUVER. Whatever they are, you think men are more susceptible to being affected by them than children are?

Mr. ROTH. I think that is a matter of course. Their business is—they have more business in the relations with women than children have. Children don't know anything about it as yet, mostly.

There is nothing in these pictures that I would say was in any way lewd or indecent. And certainly nothing that would be new to children whose eyes are wide open wherever they walk.

Mr. CHUMBRIS. Mr. Roth, have you ever received a letter from a minor with a high-school address on it?

Mr. ROTH. I know that we received such mail. My orders to the people who—you know that I don't fill the orders, or open them; but

my orders are strictly not to pay any attention to such an address. And when money is enclosed, we return it, either by cash or by check. I think usually by check.

Mr. CHUMBRIS. But you stated a while ago that you buy name lists from other groups; is that correct?

Mr. ROTH. No; I don't buy them; I rent them. I am not there when they are addressed.

Mr. CHUMBRIS. And the name lists that you buy or rent are sometimes on a name plate, just a small little plate; is that correct?

Mr. ROTH. I wouldn't say that that's always so. These happened to be, I believe these were on these gum paper labels.

Mr. CHUMBRIS. That's right. And others are on mimeographed sheets; is that correct?

Mr. ROTH. They have every way of addressing them that I have.

Mr. CHUMBRIS. Then when you buy or rent those name lists you do not have the slightest idea whether the person from whom you purchased that name list has a list of minors or adults, do you?

Mr. ROTH. I have the assurance that they are only adults; because I do not like to spend postage on addressing children.

Mr. CHUMBRIS. How did all of these exhibits—and we are just giving you a portion of what came into our office—how did you get—

Mr. ROTH. Have you any idea of how much mail that represents? That probably represents 10 million pieces of mail, and you have got about 20 or 30 pieces here, culled over a great many years. Why do you think that is representative of my business?

Chairman KEFAUVER. Mr. Roth, I think as to your point, the staff tells me that we have literally a file cabinet full of your mail which has been sent in from all over the country. I do not believe I have shown you all of what we have here.

Here is another one sent to the Postmaster General. This was sent to a 15-year-old boy, Gargoyle Books.

Now I want to ask you, Mr. Roth, you said that you put on these things that they were not supposed to be sent back or ordered by minors. I have not been able to find that on any piece of this literature.

Mr. ROTH. I didn't get that last part.

Chairman KEFAUVER. You said that your instructions on these pieces of advertising made it plain that minors could not order it, that only adults would be permitted to order it from these pamphlets.

Mr. ROTH. That's right.

Chairman KEFAUVER. I have not been able to find that on any of these pieces of literature.

Mr. ROTH. Well, that's not something I know how to explain.

Chairman KEFAUVER. You are the boss of the business?

Mr. ROTH. That's right.

Chairman KEFAUVER. Why did you tell us a little while ago—

Mr. ROTH. They were not sent in, though.

Chairman KEFAUVER. But, Mr. Roth, I want to get this straight. You said in the beginning in one of your statements that this was not any business of this subcommittee, handling juvenile—what you were doing was no business of this subcommittee, because, in the first place, you did not send the advertisements to minors, and, in the second place, it was definite that they were required to give their

age, and if it appeared that they were a minor, the orders would not be fulfilled.

Mr. ROTH. That's right.

Chairman KEFAUVER. Where on any of this literature do you ask anyone's age [handing to Mr. Roth]?

Mr. ROTH. The first circular which I send to a person who has sent in an order, say through a magazine or through the mails, probably has never been sent in.

I wish to remind you again that these pieces are the results of millions of pieces of mail that have gone out in the last few years.

Chairman KEFAUVER. Mr. Roth, we have, I think, a cross-section of all the kinds you have sent out, and my staff tells me they find no inquiry about the age on any of them.

Mr. ROTH. That is my point, that these are never sent in; these are sent in to us, and the complaints come on those that come later. That's the only way I can explain it. I am not making a perfect explanation, because there is no perfect explanation.

Chairman KEFAUVER. Mr. Roth, you have a briefcase there. Do you find any in your briefcase that inquire the age of the person?

Mr. ROTH. I have none here. I have brought nothing with me.

Chairman KEFAUVER. You have no copy with you?

Mr. ROTH. No. And I wish to say we are in the process of winding up our business. I don't know whether any of these circulars show it, but the last circular we sent out we announced that that was the third of the last six announcements we are making, and so we are not using those lists any more.

Mr. CHUMBRIS. Mr. Roth, the staff using Eastern High School stationery in Washington, D. C., sent out letters to persons dealing in publications such as yours, pictures, and not only did they receive a reply from those people to whom the letters were directed, but within a month, 5 or 6 companies dealing in the type of material in which you deal, and pictures, bondage pictures, and fetish pictures, and nudes, and so forth, reached our office although no letter was directed to those companies.

Now, how would you explain how your office got answers from people to whom letters were not directed?

Chairman KEFAUVER. Mr. Chumbris, you have not made clear what you are trying to get at.

Mr. CHUMBRIS. I have made a statement, and I want him to explain the statement.

Chairman KEFAUVER. What he means is that on high-school stationery inquiries have been sent to other companies. Shortly after they are sent to other companies, your companies write these people who made the inquiry, the children who made the inquiries.

Mr. ROTH. I can answer that fully and very briefly.

Chairman KEFAUVER. In other words, you exchange lists?

Mr. ROTH. We do not.

Chairman KEFAUVER. That puts you on notice that these inquiries were from children, but shortly after the inquiries are made of other companies, your companies get the list and send them literature.

Mr. ROTH. Oh, that happens; yes. That can happen.

In the first place, I want to say, when you talk about companies like mine, I want to correct that. There isn't a company like mine. My business is unique, there is nothing like it in the world, No. 1.

No. 2, we have consistently in all our experience refused to rent out our lists, except to legitimate enterprises, like insurance companies, Life, Esquire, Time, all the big magazines.

We have been offered as much as \$30 a thousand, which is twice as much as the regular rate, for people, such as some of your other witnesses here, to use our lists. We have never, never, allowed anyone but a legitimate enterprise to use our lists, and that we have kept down to a certain number.

Mr. CHUMBRIS. Mr. Roth, you just stated that there is no other business in the country like yours.

Mr. ROTH. That's right.

Mr. CHUMBRIS. You stated a while ago that you are connected with Gargoyle Sales Corp.

Mr. ROTH. That's right.

Mr. CHUMBRIS. I hereby show you an exhibit of advertisement of girls being whipped, or what is known as fetish and bondage pictures, which is a type of photograph and material sent out by another company here in New York City. I would like for you to look at that [handing to witness].

Chairman KEFAUVER. Will you identify that as being some of the literature that your company has sent out?

Mr. ROTH. Oh, no. That's an entirely different company; it has nothing to do with me.

Mr. CHUMBRIS. You just stated that Gargoyle Sales—

Mr. ROTH. I had a company called Gargoyle Books. This is Gargoyle Sales Corp. It hasn't the remotest connection with me. And I would like to see all the others that you think are like my business [returning to Mr. Chumbris].

Mr. CHUMBRIS. I read you the name of Gargoyle Sales Corp., and you said it was your company.

Mr. ROTH. One thing to answer as honestly as I could, and hearing "Gargoyle," which is a part of the name—I never heard of this company.

Mr. CHUMBRIS. This particular company is not one of your companies?

Mr. ROTH. I never heard of the name before.

Mr. CHUMBRIS. But the others that we have shown you, Good Times, and so forth, The American—

Mr. ROTH. These are my circulars and my business. I stand for them, and I do not believe that anyone under 25 could possibly be influenced; and if they were influenced, it would be for the good.

Chairman KEFAUVER. You don't think anyone under 25 could be influenced for the bad from these?

Mr. ROTH. What would be bad? The worst they could do is buy the book, and the books are—

Chairman KEFAUVER. Let me get this again. What did you say about 25, a minute ago, that you did not believe anyone under 25 or over 25 would be influenced for the bad?

Mr. ROTH. I believe that very few people—it's very difficult to talk in a generality like under 25, over 25—very few people who haven't had a certain amount of experience would be attracted by this sophisticated language with which we sell this.

We don't—I haven't, for instance, read that circular, I never saw it, and I never saw the name before, but I would be willing to bet

that that would prove my case. This is how they sell, and this is how I sell.

I sell only fine books. The biggest seller on my list in the last 4 years has been a book called "My sister and I" by Frederick Weacher, and that is a philosophical book. I have been able to get that in almost 100,000 homes, and that is a triumph. I don't expect any medals for it, but I don't expect to be called a publisher of pornographic books.

Chairman KEFAUVER. Of course the thing is not the reading material on these things so much as the pictures that you have sent around.

Mr. ROTH. I disagree with you, Mr. Kefauver; I really do not agree with that.

Chairman KEFAUVER. If pictures do not make any difference, why do you put so many pictures on them?

Mr. ROTH. I am a salesman. I remember once going into a haberdashery shop and asking to buy a shirt I saw in the window, and what was shown me didn't look at all like it.

I said, "Is that the same shirt I saw in the window?"

The man said, "Yes, Mister, but I spend a lot of money on the lights in my window, and I can't expect an ordinary shirt to look like that."

If I do it with good books, I don't think that could be held against me.

Mr. CHUMBRIS. Mr. Roth, you have not yet fully explained your role in avoiding sending that particular type of advertisement to youth.

Mr. ROTH. To young people, you mean?

Mr. CHUMBRIS. In view of the fact that you buy, rent, exchange, or what have you, mailing lists with other concerns.

Mr. ROTH. But I have just told you that I don't.

Mr. CHUMBRIS. What is that?

Mr. ROTH. I have just told you that I do not rent my lists to anyone except people like Life, Time, Esquire; these people rent my lists 2 or 3 times a year because mine are adult buyers and can subscribe to a magazine.

Mr. CHUMBRIS. Don't you rent lists from a party in Brooklyn?

Mr. ROTH. "From," but not "to." That's the difference.

Mr. CHUMBRIS. That is what I am referring to. If you are renting from a party, and you do not make a clear and direct analysis of the ages of that name list, then your material could get to juveniles, could it not?

Mr. ROTH. I believe that in that respect my business could be reinforced a little bit by greater care. I admit that; but I am always given the assurance that the people who bought these things spent at least \$1.98, and that they were mature people. That's the best I can do at present.

Chairman KEFAUVER. Well, now, how many lists do you buy, how many thousands of names on them?

Mr. ROTH. Well, now, a company in Brooklyn was mentioned from whom I bought approximately 180,000 names, which dwindled down to about 70,000.

Mr. CHUMBRIS. Would you like to give his name, please, for the record?

Mr. ROTH. I don't know whether I should. I don't know whether I shouldn't, because I was assured that these were names of people who

bought pinups. Now, pinups, I do not consider them as obscene matter. I consider them a little like the things I myself use.

Chairman KEFAUVER. In other words, you have a pinup mailing list to send your literature?

Mr. ROTH. That's right; yes.

Chairman KEFAUVER. Mr. Chumbris, you know the name of the man in Brooklyn; you give it to us.

Mr. CHUMBRIS. Mr. Vallon; is that right?

Mr. ROTH. Yes.

Mr. CHUMBRIS. Will you give the full name and address?

Mr. ROTH. I have his full name and his address in my books, but I don't remember it. I think, if you have difficulty finding his name in the Brooklyn directory, his business goes under the name of Mapleton Books, Mapleton something-or-other.

Chairman KEFAUVER. Anyway, Mr. Vallon has a pinup list of about 180,000 names to which he sends pinup materials?

Mr. ROTH. That's right.

Chairman KEFAUVER. You rented his list to send out this literature?

Mr. ROTH. That list I bought. I didn't rent it. But we dwindled it down to about 70,000.

Chairman KEFAUVER. Suppose we question the other list that you bought?

Mr. ROTH. That's the only list that I have ever bought in my life.

Chairman KEFAUVER. What other lists have you rented?

Mr. ROTH. I have rented lists from a regular list house called Book Buyers Lists. That's what it is called. That's on 369 Broadway. They are a very legitimate and fine enterprise.

Chairman KEFAUVER. What do you do to get the names of the juveniles out of them? It would seem that when you see a high school and when you see the account down in North Carolina, you would know that that was a juvenile.

Mr. ROTH. We would know that. I would mention this, although I do not hold it against these people, because they have a very heavy business, but I do not mail out, they mail out for me. I pay for the postage—no, no, forgive me. I do mail that out, but it is very difficult to—if I make a mailing, say, of 10,000, it is very difficult to go through and try to catch that.

I should say that we are supported by the feeling that we are not selling them anything bad, that's all. But we have had an understanding in advance that we do not contain the names of juveniles.

Chairman KEFAUVER. Mr. Roth, do you think it would be bad and deleterious for the children for you to mail this stuff to the children?

Mr. ROTH. It would be very bad business for me, I can tell you.

Chairman KEFAUVER. I mean, it would be bad for them, too, would it not?

Mr. ROTH. I don't think they would pay any attention to it. I give you my word of honor.

I have brought up a family. I have grandchildren, and my grandchildren occasionally come to see me. They look at these things and they drop them.

I can't see—an adult would be interested—but I cannot see how children would be interested.

Chairman KEFAUVER. And you think an adult would pay more attention to them than children would?

Mr. ROTH. They do pay attention, or I wouldn't be in business.

Senator LANGER. Mr. Chairman, I call attention to the fact that a few moments ago the witness stated that he had sent out 10 million. It is curious where he got all the 10 million names.

Chairman KEFAUVER. Is that the number you sent out—in how long a period of time?

Mr. ROTH. No, I meant that these were culled from a long period of my business, and that in that period I have sent out over 10 million pieces.

That's a guess, by the way, the 10 million. It could be 20 million and it might be only 5. I think it would be around 10 million, because my instincts in such matters are good.

Chairman KEFAUVER. Let's follow Senator Langer's question.

Where did you get a mailing list for 10 million?

Mr. ROTH. I haven't a mailing list for 10 million, but I have, say, a mailing list for only 10,000 in 10 years I could send it out 10 million times—I mean, I could send out to 10 million people. It wasn't intended to be a single mailing.

I don't think anybody in the United States since the Literary Digest died, has sent out as many as 10 million pieces of mail.

Senator LANGER. A moment ago you said you had 400,000 names, did you not, Mr. Witness?

Mr. ROTH. That's right. That's very far from 10 million.

Chairman KEFAUVER. What mailing permit do you have to send these through the mails?

Mr. ROTH. I have the regular Pitney Bowes machine permit.

Chairman KEFAUVER. Is that second-class?

Mr. ROTH. Yes.

Chairman KEFAUVER. Second-class permit?

Mr. ROTH. That's right.

May I mention one more thing?

Chairman KEFAUVER. Have you had any trouble with the Post Office Department?

Mr. ROTH. Oh, lots of trouble.

We have a sign in our door that has been there ever since I can remember, maybe 18 years. It has been on different doors, of course, and the sign says "No books sold on the premises." No book goes out which hasn't got on it the post office's permission to open it and examine it.

Mr. CHUMBRIS. A moment ago you said you had plenty of trouble with the Post Office Department, but you always worked it out. That is not exactly true, is it?

Mr. ROTH. Yes; the post office accuses me of having sent an obscene book through the mails, such as Beautiful Sinners of New York, and it is put before a jury, and the jury comes back a few minutes later and sees nothing wrong with it. I have straightened it out with the post office.

Mr. CHUMBRIS. Have you ever been convicted of a violation of a post office regulation?

Mr. ROTH. Yes; for selling Ulysses, by James Joyce, which is now must reading in all colleges and high schools. Not all of them, but enough of them.

Mr. CHUMBRIS. When was that?

Mr. ROTH. I think 1929.

Mr. CHUMBRIS. And then, in 1930, you were also convicted of violations?

Mr. ROTH. Whenever I was convicted of a violation of a book that I sent through the mails I believed it was safe to send it. There are differences of opinion on that, yes; usually I go to jail, and then the laws confirm my being right.

Mr. CHUMBRIS. In 1936, would you please explain whether you had any difficulty with the law?

Mr. ROTH. I had a great deal of difficulty. I went to prison that year.

Mr. CHUMBRIS. Explain it, please.

Mr. ROTH. It involved about seven books which the post office considered obscene.

Mr. CHUMBRIS. Did you go to prison for that?

Mr. ROTH. That's right; I just told you that.

Chairman KEFAUVER. How long did you serve?

Mr. ROTH. I served a 3-year sentence.

Mr. CHUMBRIS. In 1941, did you have any trouble with the law?

Mr. ROTH. Yes; you have the record there. You tell me.

Mr. CHUMBRIS. April 14, 1941, you were found guilty of violating probation, is that correct; and your probation was extended to December 16, 1946; is that correct?

Mr. ROTH. Yes. May I say something now? The district attorney in charge of that case opened the case against me—I was really not convicted there. The judge dismissed it. He opened the case by saying, "This defendant is not being accused of selling any book which cannot be found in any bookstore in the United States. We just don't like a man on parole to sell these books."

Mr. CHUMBRIS. Your statement that you had difficulty with the Post Office Department, but you always worked it out, wasn't exactly true, was it?

Mr. ROTH. Well, I worked it out even when I went to prison. You must try it sometime.

Mr. CHUMBRIS. That gives a different connotation than "working it out."

Mr. ROTH. I mean that eventually the laws almost always justified what I had done. For instance, there was a time when you could go to prison for just a picture like this. Now you find—I would like to read you a list of the magazines that publish nudes almost all the time.

Chairman KEFAUVER. Before you get to that list—you have quite a record here of arrests, and being in court, and you and your wife together, usually.

Mr. ROTH. That's right.

Chairman KEFAUVER. You have your wife in all of these matters?

Mr. ROTH. That's right.

Chairman KEFAUVER. She has been convicted, too; is that correct?

Mr. ROTH. The only thing I can tell you is that we were right.

Chairman KEFAUVER. Sit down, Mr. Roth.

On December 16, apparently you and your wife got convicted for 2 years, and she got a suspended sentence; is that right?

Mr. ROTH. That is correct.

Chairman KEFAUVER. Mr. Chumbris, you have this entire history here. Do you want to go over it, or do you want to show it to Mr. Roth?

Mr. CHUMBRIS. Mr. Roth, on February 27, 1928, you pleaded guilty to mailing obscene literature, and were fined \$500 and given 6 months' suspended sentence; is that correct?

Mr. ROTH. That is correct. Would you like me to explain it?

Mr. CHUMBRIS. Let me go through this.

Chairman KEFAUVER. Give him a right to explain. You plead guilty?

Mr. ROTH. I plead guilty after a conference with Judge Knox. I pointed out the book was a Hindu classic, and it should be permitted to be sold at the price which I sold it for, which was \$35 a copy.

Chairman KEFAUVER. What did you plead guilty for?

Mr. ROTH. On the advice of counsel—very bad advice.

Mr. CHUMBRIS. On October 19, 1928, sentenced to serve 3 months on Welfare Island for possessing and selling obscene books.

Mr. ROTH. That is correct. It was a book which I have since sold freely and through the post office for a great many years.

Mr. CHUMBRIS. Did you plead guilty, or were you convicted?

Mr. ROTH. I was convicted of that in special sessions.

Mr. CHUMBRIS. November 27, 1929, arrested for possession and sale of obscene literature; case dismissed. Was that correct?

Mr. ROTH. I don't see why I have to argue with that. Go on.

Mr. CHUMBRIS. January 28, 1930, sentenced to 6 months in Federal Detention House for violation of probation; is that correct?

Mr. ROTH. Yes; that is correct. I didn't consider it a violation of probation, and I think the judge who kept the case—Judge Knox—who kept the case running for 3 years, didn't either, except he finally decided it was better to let me serve a sentence. I didn't serve 6 months. He changed it to 2 months at the last minute.

Mr. CHUMBRIS. July 7, 1930, sentenced to serve 60 days for the sale and possession of obscene books. Where was that?

Mr. ROTH. I know where that was. That was Philadelphia, and that was for protecting Ulysses so my grandchildren and your grandchildren will be able to read that book.

Chairman KEFAUVER. Did you plead guilty?

Mr. ROTH. I did plead guilty. Mr. Kefauver, I was threatened by the man who ruled Philadelphia if I dared stand trial on that book, he would see that I got at least 3 years. I have witnesses to that.

Chairman KEFAUVER. You pled guilty?

Mr. ROTH. I had to plead guilty.

Mr. CHUMBRIS. December 16, 1936, sentenced to 3 years in Lewisburg Penitentiary for mailing obscene literature.

Mr. ROTH. You covered that.

Mr. CHUMBRIS. April 14, 1941, found guilty of violating probation; probation extended to December 16, 1946.

Mr. ROTH. I have already covered that.

Mr. CHUMBRIS. Then recently, last year, you had some difficulty with the State authorities on obscene literature; is that correct?

Mr. ROTH. That's right. Have you on the record what happened on that?

Mr. CHUMBRIS. Yes; I think last week the matter was thrown out of court for illegal search and seizure; is that correct?

Mr. ROTH. Not only that, but because they picked up 70,000 books on my premises and didn't find a single bad one there, and there were none, and they are all being returned to me.

Mr. CHUMBRIS. Was there any official ruling to that effect?

Mr. ROTH. No; but I have no doubt that the official ruling will be made some day, maybe today.

Mr. CHUMBRIS. As a matter of fact, they didn't even go into the contents of the book; they only went into the question of whether the search was legal or illegal?

Mr. ROTH. That is true, but I do know they went into the books.

Chairman KEFAUVER. The Post Office Department issued fraudulent orders against trade styles used by you back in 1942?

Mr. ROTH. That's right.

Chairman KEFAUVER. What does that mean?

Mr. ROTH. "Fraud" in the language of the post office means almost anything except fraud, but it meant in my case that I had described books as very sexy, which they didn't think sexy at all. That is the whole thing.

Chairman KEFAUVER. You overstated the sex angle in your books?

Mr. ROTH. That is it. I admitted that, but I thought I had a right to since it got good books into the hands of people who otherwise wouldn't have gotten them.

Chairman KEFAUVER. I don't understand, Mr. Roth, why it is that you have a great number of corporations. I have never seen such a list. Did you operate through one at one time and another one at another time? Why is that?

Mr. ROTH. It is for reasons that anyone in the publishing business can explain. I am not the only such publisher. I sell philosophical books—and for every kind I have, I have a different name.

Chairman KEFAUVER. For each book you have a different corporation?

Mr. ROTH. Every kind of book.

Chairman KEFAUVER. Isn't the real idea that if one gets knocked off by the postal authorities, you can continue to operate your other corporations?

Mr. ROTH. That's right. Not only that. If there is any implication in that that I do that to hide myself, that isn't true. I do not change my address, 110 Lafayette Street.

Chairman KEFAUVER. You have one corporation publishing 5 or 6 different types of books, and if one was found in violation of postal operations, they might stop your whole business?

Mr. ROTH. That's right.

Chairman KEFAUVER. So you have all these various corporations?

Mr. ROTH. Not only for that.

Chairman KEFAUVER. It enables you to send out literature in different names to prospective purchasers?

Mr. ROTH. My prospective purchasers know when they come from the 8th floor at 110 Lafayette Street, that we are the people from whom they bought in the past.

Chairman KEFAUVER. Do you think the children know that?

Mr. ROTH. I don't think the children care. I don't think it is part of that thing. I think you pay too much attention to that, and therefore, do not pay attention to things that are more vital.

Chairman KEFAUVER. That is what this committee is organized for—to see what the children are getting.

For some reason, Mr. Roth, there has been a very sharp increase, over 110 percent in the last 10 years of sex crimes among juveniles.

You see about it in the papers, and we had always been taught, at least we thought, that there was something to the fact that children the atmosphere, environment, and the kind of things they read affected them. Psychiatrists and parents have told us, and have written us that the smutty literature and pamphlets we see here that you are sending out, do not have a very wholesome effect on young people. Don't you think that is true?

MR. ROTH. No. I don't believe any circulars like this.

Chairman KEFAUVER. Why is it you have been so careful—or rather you think you have been careful not to send this to young people?

MR. ROTH. The only reason why I have been careful mostly, I do not believe this can possibly touch the psychology of a juvenile, but mostly I have been careful because it would be very bad business to send out circulars and get no returns. You can only get returns from mature people. I am quite candid in telling you that. I think that the idea that the present juvenile delinquency comes of pornographic literature, I think it slightly wrong. I was a child myself in the public schools of New York.

Chairman KEFAUVER. You think that is overrated?

MR. ROTH. I think it is very much overrated.

Chairman KEFAUVER. You naturally think it is overrated since that is your business?

MR. ROTH. Yes; I admit I could be prejudiced by that.

Chairman KEFAUVER. You would be reluctant to admit that your business was doing very much to adversely affect juveniles, but you are in the business.

MR. ROTH. I am in the business, and occasionally circulars of mine might reach juveniles, but I do not think that I could have any possible effect on that, and I do not believe that the very worst kinds of these things can be avoided, because they are underground. They do not send out mail the way I do. They reach children the way they reach children when I was a child. They come to you in front of school, and offer you an obscene pamphlet.

Chairman KEFAUVER. I don't want to labor the point. You don't think it is too bad for children, your type of literature, although you claimed at first you have taken unusual precaution about young people getting it. You wouldn't put your judgment up against that of J. Edgar Hoover, would you?

MR. ROTH. I don't know about that. If Mr. Hoover made a study of this, he would know more than I do.

Chairman KEFAUVER. If Mr. Hoover said that it was degrading and increased criminal tendencies, and was one of the real evil influences leading to juvenile delinquency, you would rather have his judgment than yours?

MR. ROTH. Yes, but I don't believe he had these circulars in mind.

Chairman KEFAUVER. He talked about this kind of literature, too. I read his statement into the record the first day here.

MR. CHUMBRIS. Mr. Roth, what is your gross income from your operations in these books that we are discussing here this morning?

MR. ROTH. It is around \$260,000, \$270,000 a year.

MR. CHUMBRIS. What is the net profit that you receive from that gross income?

MR. ROTH. I can put it to you this way: I get a salary of \$10,000 a year, my wife gets a salary of \$3,000 a year, and at the end of the year,

we have never yet had so much money left that I could withdraw and call it a profit. My books are open. We do, I think, very well, because our appetites are not too great.

Mr. CHUMBRIS. I didn't hear that last statement.

Mr. ROTH. I said we do pretty well, living as we do in our community, and I am satisfied with what I do.

Mr. CHUMBRIS. Of the \$260,000 to \$270,000 gross, you say that you receive \$10,000 a year and your wife receive \$3,000 salary?

Mr. ROTH. That's right.

Mr. CHUMBRIS. And you have very little to share as profit?

Mr. ROTH. At the end of the year, yes. We have never done it yet.

Mr. CHUMBRIS. How many people do you employ?

Mr. ROTH. I would say we employ an average of about 15 people.

Mr. CHUMBRIS. Fifteen people?

Mr. ROTH. Yes.

Mr. CHUMBRIS. At 110 Lafayette Street?

Mr. ROTH. That's right.

Mr. CHUMBRIS. What are their duties mostly?

Mr. ROTH. They are writers, they are file clerks, they are typists, they are editors. I believe that about covers it. Shipping clerks, of course.

Mr. CHUMBRIS. Do you have any persons who print any of these so-called 2-by-4 booklets?

Mr. ROTH. We have never printed any 2 by 4 booklets.

Mr. CHUMBRIS. Have you or any of your employees made any of the cartoons that go into these 2-by-4 booklets?

Mr. ROTH. No.

Chairman KEFAUVER. How much is your subscription to all your books and magazines each year—about \$400,000?

Mr. ROTH. I have been asked the gross income. The gross income is around \$260,000, \$270,000.

Chairman KEFAUVER. Do you have agents out on the road?

Mr. ROTH. No.

Chairman KEFAUVER. Do you send all these books by mail?

Mr. ROTH. We solicit by mail and fill orders by them.

Chairman KEFAUVER. You don't send by mail?

Mr. ROTH. None.

Chairman KEFAUVER. Have you ever sent by car or Railway Express?

Mr. ROTH. Never.

Chairman KEFAUVER. Always by mail?

Mr. ROTH. Railway Express, we mail occasionally; when a man tells us he has no post office near him, but there is a Railway Express office, then we make him pay the extra cartage.

Chairman KEFAUVER. Anything else?

Mr. CHUMBRIS. Do you have a complete list of the names and addresses of your employees?

Mr. ROTH. Yes, sir.

Mr. CHUMBRIS. Would you please furnish them to the subcommittee?

Mr. ROTH. I will be very happy to.

Chairman KEFAUVER. For the record, when will you send that in, Mr. Roth?

Mr. ROTH. If you want, I will send that in this afternoon.

Chairman KEFAUVER. Anything else?

Mr. ROTH, do you try to get contracts with people so you can have publishers write their life and experiences about them?

Mr. ROTH. No. We are asked to, and we do not have anything to do with that.

Chairman KEFAUVER. Were you president of Seven Sirens Press, Inc.?

Mr. ROTH. That's right.

Chairman KEFAUVER. Will you explain what this seems to be on the letterhead of your corporation?

Mr. ROTH. Yes; I will be very glad to. At the end of the first Jelke trial, I contacted the woman known as Pat Ward, and offered her this contract for a book. If you meant this kind of a contract, we offer it to people whose books might interest us. This contract was never signed by Miss Ward, or, I know, by anybody else.

Chairman KEFAUVER. If you are dealing in abstracts, and heroes over in Europe, and metaphysical characters, why do you want to get a contract with Pat Ward right after the first Jelke trial?

Mr. ROTH. I believe a very fine book can be made on that. By the way, there is one in the making anyway.

Chairman KEFAUVER. You didn't get the contract?

Mr. ROTH. No.

Chairman KEFAUVER. She turned you down?

Mr. ROTH. She wanted too much money.

Chairman KEFAUVER. What is that?

Mr. ROTH. She wanted too much money.

Chairman KEFAUVER. Any way, you tried to negotiate for a contract?

Mr. ROTH. Yes; the book was to have been written by a very fine writer and was to have been a very fine book.

Chairman KEFAUVER. Why would you like to have a book about a person who had just been in a notorious trial?

Mr. ROTH. I believe the New Testament rotates around just that kind of a woman.

Chairman KEFAUVER. In this contract, you were going to do the dictating, and she was going to attach the name of Sandra to the book?

Mr. ROTH. I don't remember that as a detail, but if you say so, that is true.

Chairman KEFAUVER. Do you propose contracts like this to other people who claim notoriety in these kinds of trials?

Mr. ROTH. I believe that if a book like that has been published by me, and it is possible, that it has usually been planned in my office, and if it hasn't, it has usually been brought to me, but whether it is planned or brought, or whether I write it or it is written by the person himself, or herself, it has to be a good book before I publish it.

Chairman KEFAUVER. Paragraph 6 forces her to accept anything you write under the contract you proposed to her.

Mr. ROTH. May I see that?

Chairman KEFAUVER. Yes; that is your contract. You can see it. That is what she balked at? She would not agree to use her name at anything you wrote?

Mr. ROTH. Forgive me now. I remember that was just as big a stumbling point as the money. It wasn't Pat Ward. It was her

mother who objected violently to this paragraph. I asked her why. She said, "I don't want any book published in which my daughter is looked upon as a whore."

I said, "The emphasis has been made so heavily, I don't see how you can object."

If it was \$5,000, it would have been all right.

Chairman KEFAUVER. You offered her \$5,000?

Mr. ROTH. No.

Chairman KEFAUVER. You offered a big percentage?

Mr. ROTH. Yes. I had to do that to make sure it would be a good book.

Chairman KEFAUVER. The fact that she was a juvenile, would that have any effect?

Mr. ROTH. Yes, it had consideration. I believe a book should appear that would give her a chance for living properly. I believe a book like that is in order now. I believe that the courts have completely—

Chairman KEFAUVER. You don't think that a book that you had in mind there would be interesting for children?

Mr. ROTH. I don't think so; no—not the kind of book we would publish.

Chairman KEFAUVER. You don't think that would offend high-school children?

Mr. ROTH. I don't think children were interested in the trial.

Chairman KEFAUVER. We will ask you to make this contract which you proposed a part of the record. Let it be filed as an exhibit.

Mr. ROTH. May I say something?

Chairman KEFAUVER. Sure.

Mr. ROTH. You have said this about several of the items that passed here. When one has a lawyer at one's side, the lawyer usually says he objects and gives reasons. I have no means of knowing anything. If you think this should be a part of the record, I have no reason why it shouldn't be.

Chairman KEFAUVER. Mr. Roth, I think so, because it shows the kind of contracts that you try to get, even with minors.

Mr. ROTH. May I point out for the record that the reason why paragraph 6 is there is that I had no means of knowing that Miss Ward would put things into that book that might be obscene, that might be considered objectionable, and since I have to sell through the mails, I have to make absolutely certain that it will be the kind of a book that I sponsor. I can only sponsor a book that goes through the mails.

Chairman KEFAUVER. How much did you offer, and how much did she want?

Mr. ROTH. I think I offered \$1,000, and she wanted \$5,000.

Chairman KEFAUVER. Plus the royalties?

Mr. ROTH. Yes, royalties would depend on sales. She would have been entitled to more money.

Chairman KEFAUVER. Are you a naturalized citizen?

Mr. ROTH. Yes, sir.

Chairman KEFAUVER. When were you naturalized?

Mr. ROTH. I am not a naturalized citizen. Forgive me. I became a citizen on my father's papers, and that must have been when my father became a citizen in 1915. On the other hand, in 1940, or 1939,

I went to the Immigration Department and demanded a certificate, certifying that I was a citizen on my father's papers, and I have that certificate.

Chairman KEFAUVER. You think you became a citizen on your father's papers in 1915, but in 1939 you applied for citizenship?

Mr. ROTH. Yes. Some question was raised about it while I was in prison.

Chairman KEFAUVER. And you were issued——

Mr. ROTH. A certificate of citizenship.

Chairman KEFAUVER. What year?

Mr. ROTH. Either 1939 or 1940—probably 1939.

Chairman KEFAUVER. In the district court in the Federal Building in New York?

Mr. ROTH. No, I was issued that on Columbus Avenue—the Immigration Building. I think it is 16th Street.

Chairman KEFAUVER. Did you list these sentences and the time you served on the application for citizenship?

Mr. ROTH. Yes; all these things were discussed.

Chairman KEFAUVER. Were they listed on your application?

Mr. ROTH. I listed on the application whatever the application asked for.

Chairman KEFAUVER. All of them?

Mr. ROTH. Yes. I don't know what it was that was asked then.

Chairman KEFAUVER. Anything else?

Senator LANGER. Does the staff have a copy of the application he signed?

Mr. CHUMBRIS. You made one comparison that I would like for you to explain. You said that a purchase of a shirt is comparable to beautiful nudes. What did you have in mind when you made that statement?

Mr. ROTH. I never made such a statement.

Chairman KEFAUVER. You said if you went to buy a shirt, you might not be interested in going into the store, but if you saw an attractive shirt out in the window, you might buy it, and that is the reason you put the pictures of the nudes on your advertising.

Mr. ROTH. That is self-explanatory. If I put pictures around a description of a book——

Chairman KEFAUVER. You don't want to compare a shirt to a nude, do you?

Mr. ROTH. As a means of attracting attention—it wasn't a shirt that was being discussed, it was the lights that lit up the shirt in the window. I believe a nude has the same function in my circular.

Chairman KEFAUVER. Mr. Roth, we appreciate your coming here and talking very freely. You have cooperated in answering our questions. I think I must say that I know of no one that we have been in touch with who doesn't feel that the kind of slime that you have been sending through the mails is highly deleterious to our young people, and damaging to their morals, and part of the whole picture that we have today of the breakdown among a percentage of our children; that is the opinion of most of the experts that we have had, and I think I should say to you, Mr. Roth, also, that of all the people engaged in this business, we have had many, many more complaints—letters from parents, people interested in the welfare of the children—criticizing what you have been doing, than we

have of any other person who publishes and distributes this stuff. Personally, I think it is very reprehensible.

Thank you, Mr. Roth.

Mr. ROTH. May I say something?

Chairman KEFAUVER. Yes.

Senator LANGER. The subcommittee agrees entirely in what you have just said about this stuff.

Chairman KEFAUVER. It may be within the law, but it has been on the border of the law. Sometimes it has been legal and sometimes illegal, but that isn't entirely the question here.

You have something to say?

Mr. ROTH. I believe the people who have criticized me are wrong. I believe you are a great deal more wrong than they are, because you are sitting in judgment on me, and I believe that I will someday within the very near future convince you that you are wrong.

Chairman KEFAUVER. It will take a good deal of convincing.

Mr. ROTH. I will do it.

Chairman KEFAUVER. Thank you, Mr. Roth.

Dr. Henry.

TESTIMONY OF DR. GEORGE W. HENRY, PROFESSOR OF CLINICAL PSYCHIATRY, CORNELL UNIVERSITY COLLEGE OF MEDICINE

Chairman KEFAUVER. Dr. Henry, you are going to give expert testimony. You may mention names. Do you solemnly swear the testimony you will give will be the whole truth, so help you God?

Dr. HENRY. I do.

Chairman KEFAUVER. During the course of our investigation in this field, I have been shocked that there are people who engage in the business of teaching sex deviation to young people, and people who make a profit therefrom. Because of inadequacy of our present Federal rules, we are calling witnesses who will testify as to the cause and result of this menace.

Dr. Henry, do you live at 184 Eldridge Street, New York City, and you are a psychiatrist and nationally known expert in psychosexual maladjustments. We know of your reputation and your standing.

Mr. Vince Gaughan, who is a special counsel of our subcommittee, whose home is in Buffalo, has been helping us here, and doing a good job for the subcommittee in New York, will ask you some questions.

Mr. GAUGHAN. Doctor, will you please, for the record, give us your name and address?

Dr. HENRY. Dr. George W. Henry, and my home address is Greenwich, Conn.

Mr. GAUGHAN. And for the record, Doctor, would you state the profession in which you are engaged?

Dr. HENRY. I am a psychiatrist.

Mr. GAUGHAN. How long have you practiced psychiatry, Doctor?

Dr. HENRY. Since 1916.

Mr. GAUGHAN. Doctor, would you please give us your educational background?

Dr. HENRY. I was graduated from Johns Hopkins Medical School in 1916. I have been on the staff of the New York Hospital since 1917, and I am associate professor of clinical psychiatry at the Cornell University Medical College.

Mr. GAUGHAN. Doctor, are you presently engaged in the private practice of medicine and psychiatry?

Dr. HENRY. I am.

Mr. GAUGHAN. Are you also presently associated with any medical group?

Dr. HENRY. Yes. I am a fellow of the American Medical Association, a fellow of the American Psychiatric Association; I am past president of the New York Psychiatric Society, and I am a member of a number of other societies. I am a diplomate in psychiatry.

Mr. GAUGHAN. Doctor, could you tell us, is there a growing tendency today toward sex deviations?

Dr. HENRY. That is my impression.

Mr. GAUGHAN. From your experience can you tell us what age group is most susceptible to deviation?

Dr. HENRY. Adolescence.

Mr. GAUGHAN. Can such deviation from the normal manifest itself in a number of forms?

Dr. HENRY. Yes.

Mr. GAUGHAN. Would you elaborate on that—the forms that deviation can take?

Dr. HENRY. Well, that involves quite a big problem. I will try to state it briefly.

Chairman KEFAUVER. Doctor, just tell us—what we want to know about here is the problem of juvenile delinquency, and the effect of this material that we have been seeing here, as to whether it is harmful or not, and what the committee and public can do, and what you feel you are familiar with, to help this situation and problem, to give our young people a better chance.

Dr. HENRY. I have heard the testimony given this morning, and if you want a simple answer I would say that what I heard, what I learned from what is published, I would say it is harmful to adolescents.

Mr. GAUGHAN. Are people born with such perversions bred in them, or must be taught and educated along this line?

Dr. HENRY. I could scarcely imagine that anyone was born with these tendencies. There may be certain potentialities that can be trained, but I don't believe anybody would arrive at these various deviations unless they had some training.

Mr. GAUGHAN. Doctor, would you tell us what is a fetish?

Dr. HENRY. A fetish is usually some object, material, or substance which becomes the chief source of sexual stimulus for a particular person.

Mr. GAUGHAN. In your medical textbook entitled "All the Sexes" you state in your chapter on fetishes that high heel fetish, and women's lingerie fetish are two of the more common types of fetishes.

Dr. HENRY. That is correct, but any kind of clothing, any part of the body might become attractive or might become a fetish for a particular person.

Mr. GAUGHAN. Used as a substitute for the normal sex?

Dr. HENRY. That is right. It can become and does become as exciting to them as any other part of the body, or the body, to what is called a normal person.

Mr. GAUGHAN. Doctor, is there such a thing as leather and rubber fetish?

Dr. HENRY. Yes; that is true.

Mr. GAUGHAN. Is there also a fetish known as bondage, in which people are trussed up?

Chairman KEFAUVER. What do you mean by leather and rubber fetish?

Dr. HENRY. There are various devices that are manufactured for enclosing parts of the body, and that are used for the purpose of exciting people sexually.

Mr. GAUGHAN. In other words, certain leather types of shoes and boots and so on can be used as a substitute for a sexual outlet by persons who are trained along that line, who so enjoy it?

Dr. HENRY. That is correct. Almost anything can become a fetish, even a violin.

Mr. GAUGHAN. Is there a type of sexual deviation that is known as bondage where a person is trussed up with ropes and chains?

Dr. HENRY. Yes; that is fairly common.

Chairman KEFAUVER. You say bondage is fairly common?

Dr. HENRY. Fairly common in this particular group, that is the group of sexual deviates.

Chairman KEFAUVER. Tell us more about that bondage being fairly common.

Dr. HENRY. Among those who are familiar with this variety of sexual deviation, it is a matter of common knowledge to them. It is not common knowledge to the general public.

Chairman KEFAUVER. You mean they like to see someone who is bound up?

Dr. HENRY. Yes; they do.

Chairman KEFAUVER. Pictures of them?

Dr. HENRY. Some of them do.

Mr. GAUGHAN. And some of them might be bound up by themselves?

Dr. HENRY. Yes.

Mr. GAUGHAN. Is the act of spanking a part of the flagellation technique?

Dr. HENRY. Yes; one of the milder forms.

Chairman KEFAUVER. You mean whipping?

Dr. HENRY. Yes; whipping in any form, even to the extent of drawing blood.

Chairman KEFAUVER. You say it is a minor form. What are the more violent forms?

Dr. HENRY. They use actual whips, straps, sticks.

Mr. GAUGHAN. Sometimes they use the hands, sometimes whips, sometimes chains, and hairbrushes?

Dr. HENRY. Yes.

Mr. GAUGHAN. Is there a sex deviation wherein two females are able to find an erotic satisfaction by inflicting pain and injury upon each other?

Dr. HENRY. Yes.

Mr. GAUGHAN. What form of deviation does that come under?

Dr. HENRY. Sadism and masochism.

Mr. GAUGHAN. Dr. Henry, I am going to come down by you, because my questions are of such a form that I have to ask you to identify a number of pictures that I am going to produce as an exhibit here today.

Dr. Henry, I show you a booklet entitled "Cartoons and Model Parade" published by one Irving Klaw, of 212 East 14th Street, in New York City. I specifically call your attention to the movie offered by said Klaw as advertised on page 3 of this publication, called "Negligee Fight." I note that the heading reads that this 16-millimeter movie shows the terrific battle that ensues when both girls claim a black negligee, and, Doctor, I ask you, is this a form of the sadism or masochistic type of perversion to which we were just referring when I asked you if two females can get erotic pleasure from such carrying on?

Dr. HENRY. That is true.

Mr. GAUGHAN. I also call to your attention page 3 of this same publication, to pictures entitled, "Chris Strips for Bed." The mention there is the fact that she wears—it specifically mentions she wears 6-inch high heel, patent leather shoes. It mentions how she goes through this sensuous art of disrobing, and along with that I direct your attention to page 6 of this same publication, and on page 6 we find "Lounging Around in Lingerie," in which the man who offers this publication says he will sell this particular movie for \$8, and he notes particularly the fact that the models wear 6-inch high heel, patent leather shoes.

Doctor, I want you to note the various other pictures with this 6-inch shoe business being graphically brought out by the photographers and the author of this publication, and I ask you, Doctor, is it a fair statement to say that these are pictures—these pictures are put therein for the purpose of exciting people to take part in the fetish that is known as the high-heel fetish? Is that a fair statement?

Dr. HENRY. That could be true. Such heels are sexually exciting, but they are also part of a picture, any part of which or all of which is sexually exciting.

Mr. GAUGHAN. The whole picture you consider sexually exciting?

Dr. HENRY. That is right.

Mr. GAUGHAN. There are a number of things in the picture besides the fetish we are particularly concerned with here that you find sexually exciting?

Dr. HENRY. Yes.

Mr. GAUGHAN. On page 7 of this publication I direct your attention specifically to a series of photographs called, "New Specially Posed," in which it says there are 44—the heading says there are 44 different bound-and-gagged photos, 8 being spanked, offered to you at 40 cents apiece. It also mentions the fact that there are three other different types of spanking photographs at 40 cents apiece, and the owner of this organization says he also offers 71 different high-heel and lingerie photos of models wearing 6-inch high-heel shoes, bras, and panties, at 25 cents.

Would you look at those photographs and tell the chairman of the committee whether you, in your opinion, believe that is a form of bondage, the type of deviation wherein the people get a sexual thrill or pleasure of being bound up or binding somebody else up, and inflicting a form of torture through these ropes and chains that you see in all these pictures?

Dr. HENRY. The answer to all your questions is "Yes."

Mr. GAUGHAN. I now give you this book as a whole. I ask you to go through this booklet, Doctor, and I ask you specifically, can you

see any purpose for this publication other than the one purpose to cause erotic stimuli by showing acts of sexual perversion? First, I asked Dr. Henry to leaf through the book, and then asked him to tell us, after perusing the contents of this book, to tell us whether he can find any other purpose than publishing such a booklet for erotic stimuli for the people who will read it, and dwell upon it and study it.

Is there any desirable reason other than for erotic stimuli?

Dr. HENRY. No, the sole purpose is to stimulate people erotically in an abnormal way.

Mr. GAUGHAN. That is the only purpose of this booklet, in your expert opinion, Doctor?

Dr. HENRY. That is correct.

Mr. GAUGHAN. Doctor, I ask you, could children be sexually perverted by looking at, by studying, and by dwelling upon photos of this nature and the contents of this book?

Dr. HENRY. Yes.

Chairman KEFAUVER. Doctor, is it a very unwholesome influence, this sort of thing?

Dr. HENRY. It is.

Chairman KEFAUVER. In your opinion the increase in sex crimes, deviations that we are having—does that increase result in part at least from the reading and looking at magazines and pictures of this kind by children?

Dr. HENRY. I would think that was an important factor in the increase.

Chairman KEFAUVER. You think it is an important factor?

Dr. HENRY. Yes.

Mr. GAUGHAN. Doctor, would violence and murder be a natural outgrowth of such perversions that we have discussed here this morning with you?

Dr. HENRY. It might be.

Chairman KEFAUVER. You mean this bondage and whipping, and things of that sort?

Dr. HENRY. Yes.

Mr. GAUGHAN. Would you say it is a fair statement, that suicide, murder, and psychosis is the end result of this type of trash?

Dr. HENRY. In some instances; yes.

Mr. GAUGHAN. Doctor, I show you some clippings mounted on a board from the Miami Daily News, dated Tuesday, August 31, 1954; the contents of these articles, Doctor, specifically note the fact that one 17-year-old boy, Kenneth Grimm, was found hanging in an inverted position from a stick or board suspended between the forks of two trees, and trussed up in a fashion whereby his legs and arms are tied behind him, and a rope is thrown around his neck so that he strangles himself. He strangles himself by the position in which he has been forced. Doctor, I ask you is it your opinion, from perusing this article, from looking at the picture, would you say that this is the end result of a sex crime? Does this impress you as the type of thing that can happen as the result of bondage—this fetish we have been discussing this morning?

Dr. HENRY. Yes; it is an end result, a kind of result.

Chairman KEFAUVER. Let the picture and plaque be made part of the record.

MR. GAUGHAN. "Gables boy found hanged. Weird death baffles cops." It also states "Father discovers body in trees."

I would like to announce at this point, the father of this boy is with us this morning, and has been so kind as to consent to testify following Dr. Henry's testimony.

Chairman KEFAUVER. All right.

MR. GAUGHAN. Doctor, do you have any further comment that you would like to make on the subject that we have been discussing here—the subject under examination—and do you have any recommendations that you, as an expert, a nationally renowned expert in the field, would like to make to the subcommittee?

DR. HENRY. I think I should clarify this sex problem a little bit so that innocent people would not be involved in it.

For instance, there is a tendency to associate such acts of violence with a homosexual—what is called the homosexual. The facts are that the homosexual is no more prone to violence than the heterosexual or the normal. If we were to divide humans roughly into four groups, we would call them heterosexual, biosexual, homosexual, and Narcissistic, and the groups that we have been talking about this morning belong primarily to the Narcissistic, more specially to people whom we call exhibitionists, or peeping individuals. These publications cater to people who are psychosexually immature, emotionally immature, and who get their major satisfaction out of looking at such displays. It has little to do with other fields of psychopathology that is commonly associated with such acts.

The only other thing that occurs to me is that I firmly believe that the majority of people are so constituted and live in environments such that they will grow up to be reasonably normal in their sexual adjustment.

There is, however, quite a large proportion of the population who are susceptible to training, training such as may be obtained from these publications, and whether or not they arrive at a point of violence is perhaps an academic matter in view of the seriousness of the other problem that no one can tell ahead of time who is going to arrive at that goal once they have been exposed to these publications.

Furthermore, there are all degrees of sadism and masochism which enter into human relations, and which seldom get into the newspapers.

Chairman KEFAUVER. Dr. Henry, murder—even crimes involving theft, beatings, most all kinds of crimes, can, to some extent, result from maladjustments which children might get from the kind of literature and pictures and whatnot they see?

DR. HENRY. That is correct. A good many of the sexually maladjusted are not primarily interested in sex relations, but in the thrill or the danger which is associated with the sexual act.

Chairman KEFAUVER. In other words, these pictures, these bondage pictures and things of that sort are important in this matter, too?

DR. HENRY. They are important.

Chairman KEFAUVER. Will one of you show this gargoyle thing, 478 Madison Avenue, to Dr. Henry?

Is that typical of the bondage pictures you were talking about?

DR. HENRY. Yes. There is more of the whipping in this. You can see the whip in several of the pictures. Whipping means just what it says. They actually whip these people, sometimes until they bleed.

There are individuals who are so impelled to abuse others that they will keep on until they kill them.

Chairman KEFAUVER. Until they kill them?

Dr. HENRY. Yes.

Chairman KEFAUVER. I think there are places in that picture that will show bondage pictures.

Dr. HENRY. Yes.

Chairman KEFAUVER. If that was sent through the mail, I am sure the inspectors would stop that.

Dr. HENRY. Sometimes the greatest thrill is experienced at the time that somebody is dying.

Chairman KEFAUVER. By the person dying or the person causing the death?

Dr. HENRY. The person causing the death. There are also people who get their greatest thrill by being severely beaten.

Chairman KEFAUVER. You mean being the recipients of the beating?

Dr. HENRY. Yes.

Chairman KEFAUVER. Doctor, you saw how these pictures that Mr. Roth had—you heard him express his expert opinion based upon many years in the business. What did you think of that? What do you think of his philosophy?

Dr. HENRY. I don't agree with it at all.

Chairman KEFAUVER. You think this stuff he is sending out, these pamphlets that you saw here, are a bad influence and degrading to even grownups, let alone young people?

Dr. HENRY. Yes. I think there is a confusion between children and adolescence in a good deal of the testimony. When they use the word "children" they often mean "adolescents," and everyone knows that the adolescent is most sexually excitable, and has the least legitimate opportunity to find an outlet for that sexual excitability. As a result of that they find every conceivable means of finding an outlet, including what was shown this morning.

It is an error also to assume that if you sell something to an adult that it doesn't get to an adolescent. A great many of these so-called adults are really still adolescents, and feel most at home with actual adolescents.

More than that, some of them are primarily interested in introducing adolescents into abnormal practices.

Chairman KEFAUVER. So that his idea that the effect of this kind of stuff on adults might be stimulating and what not, but it would not have any effect upon adolescents is just without medical foundation?

Dr. HENRY. I would think it would be just the opposite. It would be more exciting to the adolescent.

Chairman KEFAUVER. Anything else?

Mr. GAUGHAN. Doctor, I might ask you, as the father of five children, and as many parents around the Nation have wondered from time to time, if we have read about the senseless killing by teen-agers during these past few years, would you say it is a fair statement that many of these killings are the direct result of some sort of an erotic stimuli that has been given to these teen-agers, these children, which result in their taking part in the gang warfare and death and violence and torture, and so on?

Dr. HENRY. Yes; I would expect that entered into a large proportion of such killings.

Mr. GAUGHAN. A large proportion?

Dr. HENRY. Yes. That is related to the fundamental principle that a person who engages in such killings is an insecure person, and a great deal of his insecurity comes from the fact that he is poorly adjusted, usually, as a male. In order to bolster up his ego, he has to do something bold to give him the feeling that he is a man. If, in addition, he has been trained to sadistic ways of bolstering his ego, so much the worse.

Mr. GAUGHAN. That is all I have.

Chairman KEFAUVER. Dr. Henry, we appreciate very much your testimony, and I want to say while, as just a layman, and I am sure I might speak for the press in this regard, too, we appreciate the fact that you are one of the most eminent and highly thought of, most experienced psychiatrist in the whole United States, or the world, and you have spoken to us in such plain language that we can all understand. It was a little bit unusual.

Thank you very much, sir.

Dr. HENRY. Well, I have had the opinion, after many years of experience, that if you can't tell something in plain English, you don't understand it yourself.

Chairman KEFAUVER. We appreciate having you with us.

Mr. Norman Thomas, we will be glad if you will come down.

STATEMENT OF NORMAN THOMAS, NEW YORK, N. Y.

Mr. Thomas, yesterday I was advised that you had written the subcommittee a letter expressing your interest in the hearing, and the staff of the subcommittee contacted you and asked if you were willing to come down and give your views and ideas to the subcommittee.

I am not familiar with your various points of view, but you are an eminent and great American, for whom the American people of all political faiths have esteem and respect.

Mr. THOMAS. Especially since I quit running for office.

Chairman KEFAUVER. So we are honored that you have taken out time to come and give us the benefit of your counsel, and through this subcommittee, speak to the American people on anything you have to say about the problem of juvenile delinquency or pornography, which we are considering here.

Senator Langer is an old friend of yours. I know he has something to say at this time.

Senator LANGER. I can only say that I do not know any man in this country whom I respect more highly.

Mr. THOMAS. I used to be willing to compromise for more votes and less respect.

Senator LANGER. We are very happy that you wrote the subcommittee, and we are happy you are here.

Mr. THOMAS. Thank you very much.

Chairman KEFAUVER. Tell us anything you want to.

Mr. THOMAS. While I appreciate an opportunity to come, I am a little embarrassed, because, at short notice, I had no expectation of appearing before the committee. I wrote the letter on only one subject and that subject was the only subject on which I have any right to speak.

I am not, like many of your witnesses, an expert as a psychiatrist or as a teacher, or someone who has come in close contact with these problems. But I have, for a good deal of my life, spent a good deal of my time on civil-liberties issues, and I am a pretty stanch supporter of the first amendment, which I think has suffered some damage by Congress and certain other agencies of Government.

I am, however, not at all impressed by the degree to which defenders of certain kinds of comic books, and even of pornography, pure and simple, want to press the first amendment. I do not think the first amendment gives any guaranty to men to seduce the innocent and to exploit the kind of unformed mind and unformed emotions of children and adolescents.

I think there is a great deal of dangerous nonsense in this appeal to the first amendment and to freedom of the press when one is dealing with the kind of thing which I have just heard testimony about from the preceding witness.

I do not believe that in order to protect the fundamental liberties of the press we have to turn our children, who are, in a sense, the ward of all our society, over to the kind of visual exploitation of base emotion, and the arousal of base emotion to which, of course, this literature, this pornographic literature, these films and cards and all the rest are directed.

I understand that the evil has grown greatly. A great many years ago I was a secretary of a local school board. It was here in East Harlem, in Manhattan, and I know we had a great deal of trouble with deliberate circulation for money of pornographic postal cards in those days.

The situation has become much worse, I understand. It is an outrage to freedom to say there is any guaranty of freedom for this kind of thing.

Parents have the first responsibility, certainly, for protecting their children, but even the most careful parent cannot protect his children against the floods of certain kinds of comic books and certain kinds of pornographic literature now circulated: and there are a good many parents who have neither the knowledge or capacity to protect them, and society has to step in.

I do not believe that society can advantageously, or perhaps constitutionally in the United States, step in by prepublication censorship. That, I think is open to doubt in the light of history as a method of dealing with any of these problems.

I will be perfectly frank and express considerable doubt of the usefulness of the voluntary censorship set up by the comic book publishers.

There is a certain danger in giving a parent's seal of approval to rather bad stuff, even if it is within the code, as if it had authoritative blessing.

I should go along with the people who are opposed to censorship. But it seems to me that it ought to be possible to find ways of outright prohibition of the circulation, by any device whatever, of the kind of pornographic stuff you have been discussing and the kind of comic books that Dr. Wertham discussed.

I suppose there are difficulties of definition, but I think the job can be done. I am not at all impressed by some of the arguments I have

heard by spokesmen for the industry, and from honest defenders of civil liberty who, I think, in this case are misguided.

I am not impressed by the kinds of arguments I hear. I am not at all impressed with the notion that you should deal with pornography and a certain type of comic book as you might deal with the discussion of ideals which would lead to sedition. You are dealing with an entirely different realm of affairs.

An idea, even a wrong idea, a bad idea in economics, in politics, and so on, can be met in the market place by a true idea, and history, at least in America, bears out this statement—that, on the whole, a true idea wins a victory. I haven't won often enough to say it always does, but on the whole, I believe that error in this field is better counteracted by truth, than when error goes out—rather, than when truth calls on a policeman's club in the matter.

The appeal that is then suggested by an idea is wholly different from the kind of thing about which you have just had testimony. To the unformed life of a child, the perversion of what, in itself, is a life-giving sexual instinct is a terrible thing for society, and does not fall in the class of ideas which was defended as able to win their own victories.

I am not at all impressed by the argument that I have heard that it is time to wait until you have proved clear and immediate danger by absolute and precise proof that a particular crime or a particular bit of outrageous juvenile delinquency has been caused by a particular comic book or pornographic publication. This is absurd.

There is a good deal of talk to the effect that those of us who believe that something has to be done are alleging that all juvenile delinquency is due to these publications. I never hear that allegation made by anyone except by people who want to knock down a strawman. I don't think that is the main cause of juvenile delinquency, but so serious is this delinquency, everything is dangerous.

What we are concerned with is not primarily, or chiefly, as I see it, the stopping of particular crimes that reach police court. It is the whole effect upon the minds of the young who are going to shape the future, and that is not subject to these precise tests of clear and immediate danger that have been alleged.

I have heard some of the psychiatric testimony—not here, but elsewhere—which apologizes for this. I have not been too much impressed. But I do believe there is immense value in modern psychiatry and in its research. I doubt if right and wrong is determined solely by psychiatric majorities one way or another, and I doubt if the commonsense of the communities is altogether gainsaid by the testimony of men who tell me, as one man did tell me, that the most horrible comics, exalting sadism and teaching crime, have no effect at all. That I just do not believe.

I would like awfully well, as a rule, to know whether the men who thus testified have gotten any fees from any of the self-interested parties. They have a right to get such fees. Everybody has a right to hire help, but I confess, without wishing to get into any row with any tobacco companies, that I would not be as much impressed by a doctor who is hired by a great tobacco company to prove there was no danger of lung cancer as I would by a more disinterested witness.

I am very much interested to know who pays what in the matter of some of this testimony.

I have been very much impressed, and depressed, to listen to pretty good people who argue very hotly, mostly against censorship, to which I also am opposed, but apparently in some cases against any kind of legislative action.

They allege one of two things. They have to. Either that this—after all, these horror prints do not do any harm, or else that you cannot help it that they don't do enough harm to run a certain risk.

What troubles me is that in almost every case you get a confusion of two ideas. I have here what was given me. I think it is called "Facts Kit." It was given to me by the Comic Book Publishers Association. Right through their literature there runs confusion of ideas. On the one hand they boast they are now pure, having set up their own authority; and on the other hand they argue they didn't need to, because it did no harm, that psychiatrists said what they were doing was all right.

They cannot have it both ways; in this connection, I am very skeptical of what is revealed by the confusion.

I am also extraordinarily unsympathetic with a notion that our society is so dull and so bound by rather extreme logic, that there is no way to prevent this horror literature, these horror pictures, with all their effect, which may not be extended to censorship or prohibition of Mother Goose, or Shakespeare, or, in another field, "Crime and Punishment."

I imagine that some of the artists that you have been discussing could make Mother Goose a pretty bad business with certain kinds of drawings. But I think it is all nonsense to argue that because there is silence in Jack the Giant Killer, and because one of the heroes of the Mother Goose rhyme was going to throw a man downstairs for not saying his prayers, that therefore there is no way of restricting the horror and pornographic literature that comes flooding out to the immense profit of the publishers, without prohibiting Mother Goose, or something of the sort.

I think the common sense American knows the difference. I think the difference could be written into laws that could pass the test of constitutionality. I am not a psychiatrist or a lawyer and cannot help you in framing those laws. I think the job could be done. I think it is defeatist to say that you cannot do it.

I think, moreover, that the interpretation of law depends in part, as we know, by the development of public opinion. The Chief Justice of the United States, himself, held that changes in public opinion, in the way we think about things, made the doctrine of Separate but Equal not tenable now.

I think in these times, with this terrible increase of juvenile delinquency, with this immensely profitably flood of pornography, using techniques never before available to the seducers of the innocent, I think it is nonsense to say that we are so bound by a very extreme interpretation of the freedom of the press that we cannot act.

We have acted in other cases, as I know. I think the post office, in some cases, has been given too much power not to accept for mailing certain things—religious books and political books—that are said to involve dissension. If that is constitutional, certainly the kind of legislation that I think you could shape would be constitutional.

The very effort is itself educational. It will open the eyes of lots of people—parents. It will give them authority and help in enforcing the law.

I heard a defense of this sort of business, this pornography, in the following terms—that some authority, not named, had said that a diseased mind might be more adversely affected by the mere presence of a person of the opposite sex than by any of this literature. That is a most shocking argument to advance. We are not talking about already diseased minds so far gone that they might be ruined by that which is normal and proper in life. We are talking about people who have tendencies that can be led into disease. That is a very different matter.

In other words, gentlemen, I apologize for a not too carefully worked out speech. I did not know I was coming until I had no time to do any writing, but I do want to put myself on record, just because I have so diligently tried to serve civil liberty, as believing that it is not only possible for you to frame legislation that will curb the enormous evils without abridging any desirable liberty; but it is necessary, for freedom, itself, is besmirched, if freedom comes to the tune of \$500 million a year, and society and government is utterly powerless.

Chairman KEFAUVER. We thank you very much for an enlightening, forcible statement. It will be very helpful to our subcommittee, and, I am sure, to everyone who reads and hears this. It was fine of you to write us a letter, and we would like to make your letter part of the record.

While we haven't discussed some remedies that have been suggested by you in any detail, everybody knows that no citizen has been more vigorous in the defense of civil liberties and freedom of the press and speech than you; and your concern about this problem of pornography and horror crime books, and how you think it should be dealt with, is certainly very valuable to us.

Mr. THOMAS. May I add that I have been, on a number of occasions, a member of a jury. I believe you can trust the American jury to deal with nonsense and justice. They would act in ways that would not create a danger of interference with the true freedom of speech or the press. I know it will take some doing, and I don't altogether envy you the task of doing it, but I think it can and must be done.

Senator LANGER. I know of no man who has had more experience in his personal life than has Norman Thomas. He is a real true American citizen, and I am certainly proud he came here and testified before this subcommittee. It is a great tribute to this subcommittee to have Norman Thomas come here and testify before it.

Mr. THOMAS. Thank you very much. I am not seeking any particular applause; I am terribly interested in it.

The first time I found out how serious it could be was a great many years ago, and I think it has grown worse.

Chairman KEFAUVER. Thank you very much.

Mr. THOMAS. Thank you.

(The letter dated May 23, 1955, from Norman Thomas and addressed to Senator Kefauver is as follows:)

NEW YORK, N. Y., *May 23, 1955.*

HON. ESTES KEFAUVER,

Senate Office Building, Washington 25, D. C.

DEAR SENATOR KEFAUVER: Like every good citizen, I am deeply concerned for the success of the hearings you are holding concerning juvenile delinquency and related matters like the effect of so-called comic books on the young.

I am no expert at all in the field in which you are making inquiry. I have, however, long been active in behalf of civil liberties and I want to put on record with you my belief—in contrast to some champions of civil liberties—that government has not only a right but a duty to consider legislative controls of the publication and circulation of comic books in order to prevent the “seduction of the innocent” by the terrible mixture of sex sensationalism, if not outright pornography, sadism, education in crime, and sheer horror to which certain comic books have treated us.

It is, of course, fantastic to argue in behalf of any doctrine of freedom of speech or the press, that men have an inalienable right to corrupt the young and to make themselves rich in the process. The argument for a do-nothing policy by the Federal Government can only be supported on one or both of two lines. First, that these vicious comic books do no real harm; and, second, that Government is so clumsy an instrument that it can find no way to protect children without running the risk of assuming dictatorial powers over the press. I think both arguments are erroneous.

The case against the horror comics is not merely or chiefly the degree they may contribute to juvenile delinquency. It is the effect of them on the minds of those for whose education as good citizens society has responsibility. I am aware that supposedly expert psychological and psychiatric testimony has been brought forward to support the contention that these comics have no bad effect. This is a position that cannot be taken logically unless one is willing to advance the extraordinary proposition that there is no case at all for moral education or the inculcating of a lot of good literature. It is the experience of the race that children's minds are very impressionable for good or evil, particularly by the picture method which makes so strong an appeal to them. Good and evil are not determined by majority votes of psychiatrists and I should question the value of the vote of the psychiatrist who appears or ever has appeared for a fee paid by the publishers of comic books. They have a right to hire psychiatrists and psychiatrists have a right to be hired. But I would not give full weight to the evidence offered under these circumstances any more than I should give full weight to the testimony of a doctor on cancer who was in the employ of one of the great tobacco companies. I think the preponderance of evidence is entirely on the side of those who believe that these books are a contributory, though by no means the sole cause of juvenile delinquency.

I do not, however, accept as valid the attempt of certain advocates of civil liberty to claim that the Government can only interfere if at all on the basis of proof of clear and immediate danger of specific contribution of a comic book to overt juvenile delinquency. The right of free speech on political and economic matters up to a point of clear and immediate danger is one thing. The right of free speech or free press to corrupt the young is another.

The principal argument of advocates of civil liberties has been directed against censorship. I myself would doubt the efficacy or possibly the constitutionality of a law providing for a governmental precensorship of comic books. I am not favorably impressed by the private censorship suddenly set up by the comic book publishers here in New York. For one thing, the seal of approval carries too much weight in the mind of the young for inferior stuff. I should, however, think it possible to deal fairly well with the evil by invoking the Government's right to protect children by setting up in law a prohibition of the circulation of horror comics, generally defined in the law, among children. The enforcement of the law, as now of law against pornography, should be left to district attorneys and juries. It should be hoped the district attorneys would act more vigilantly than sometimes in the case of pornographic postal cards circulated among school children. It is also, I think, important in any effort either to turn on the light for arousing public opinion or to help in the enforcement of law that each comic book should bear the name of the responsible publisher, and author or authors.

I am aware that the wording of a definition of the kind of horror comics the sale and circulation of which to children should be prohibited is not easy. But I refuse to believe that it is impossible to make such a definition which will not apply to the proper publication and circulation of serious books like *Crime and Punishment*, for instance. I do not believe that we cannot pass a law dealing with comic books that will not apply to Shakespeare and Mother Goose. I am rather irritated by the argument to the contrary.

In this whole field it is important to distinguish between the kind of truth in religious, economic, and social theories which can make its own way in the market place of ideas and the kind of decency which can make its own way in the minds of children against these horror books. Pornography and sadism bypass the area of intellectual discussion or conflict. This is particularly true when one is dealing with the impressionable minds of children. Milton's argument against censorship was never meant by him to operate in this field of pornography and sadism. One does not need to be a psychiatrist to recognize the force of the difference.

I am addressing this to you personally because you are in charge of the investigation but I should be very willing to have it put on the record if you are recording written statements as well as oral.

Sincerely yours,

NORMAN THOMAS.

Chairman KEFAUVER. We will stand in recess until 15 minutes to 2. (Whereupon, at 12:35 p. m., the hearing was recessed until 1:45 p. m.)

AFTERNOON SESSION

Chairman KEFAUVER. Mr. Clarence Grimm.

Mr. Grimm, will you come around, sir?

Mr. Grimm, will you solemnly swear the testimony you will give this subcommittee will be the whole truth, so help you God?

Mr. GRIMM. Yes.

TESTIMONY OF CLARENCE GRIMM, CORAL GABLES, FLA.

Chairman KEFAUVER. Mr. Grimm, before counsel, Mr. Gaughan, asks you some questions, I want you to say that as chairman of this subcommittee I know the embarrassment and the distaste that you have in coming here to talk again, or to have anything to say about the tragic happening to your son on August 20 of last year. I know that you would rather not say anything about it; however, in the judgment of this subcommittee your testimony may be of some benefit in bringing to the attention of the people and to law enforcement agencies and to legislative bodies the kind of situation that might be of some help in preventing some other father's son from having a similar tragic experience.

It is on that basis that we have asked you to come today to testify. We appreciate your cooperation. We know that you would like to do anything you could to try to see that the kind of mania of which your son was the victim is removed from our society.

We know that your son was an outstanding young man, but we feel that by your telling us about it, it may enable us to help get at the problem. So, we do appreciate your cooperation.

Mr. Gaughan, you may proceed.

Mr. GAUGHAN. Mr. Chairman, I would like at the outset to state that in our investigations of this terrible tragedy, I myself was singularly impressed by the type of young man that met this tragic end. He was an Eagle Scout of Coral Gables, Fla.; a B-plus student in his school work, and a model young man in every sense of the word.

So, Mr. Grimm, for the record, would you please state your name, your full name?

Mr. GRIMM. My name is Clarence Grimm.

Mr. GAUGHAN. And your address, sir?

Mr. GRIMM. 5028 Maggiore, Coral Gables, Fla.

Mr. GAUGHAN. How are you employed, Mr. Grimm?

Mr. GRIMM. I am self-employed. I am an electrical contractor.

Mr. GAUGHAN. Mr. Grimm, are you acquainted with the purposes of this investigation, of this subcommittee, into juvenile delinquency and pornography, specifically, at this hearing?

Mr. GRIMM. Yes, sir.

Mr. GAUGHAN. Mr. Grimm, I am going to hand you an exhibit which has already been introduced into evidence. With your permission I will come down closer to you.

Chairman KEFAUYER. Yes, come down closer and get the essential points over.

Mr. GAUGHAN. Sir, I hand you a group of clippings from the Miami Daily News, of Tuesday evening, August 31, 1954, and also some from the same paper for August 21, 1954 [handing to Mr. Grimm].

Sir, can you identify those clippings?

Mr. GRIMM. Yes, sir; I can.

Mr. GAUGHAN. With what are they concerned?

Mr. GRIMM. They are concerned with the tragic death of my son.

Mr. GAUGHAN. Can you, Mr. Grimm, tell the subcommittee how it was that your boy met his sudden end on the evening of August 20, 1954; can you tell us specifically? I realize it is an unsolved murder and that the details are—you are as mystified as the police authorities by it—but tell us what you know about it, starting with what occurred that evening when you came home to dinner and saw your boy for the last time.

Mr. GRIMM. Well, I don't know how to go about telling it. These articles are self-explanatory.

We missed him in the evening. He had worked all day for me. He got home from his work about 5 o'clock and had come home dirty and tired, in his work clothes.

He turned on the water faucet to fill the tub with water, then went out in the yard and fired off a couple of firecrackers which he had brought back from Georgia. He had been to a summer camp.

He attracted his mother's attention to it. She called out to him to come in and shut the water off.

He was away all evening, which is unusual. He never left the house without telling us. He had no errand that we knew of. In fact, he had planned to go to a civil defense meeting that evening, where he was a member of the Ground Observation Corps.

I found him the next morning in a very grotesque, weird situation that I have never been able to cope with or understand yet.

Mr. GAUGHAN. Would you, sir, for the subcommittee, tell us how your son was trussed up, and the position in which you found him when you found his body on the morning of August 21?

Mr. GRIMM. He was trussed up in a very unnatural position. It looked like it had been planned in some way. It wasn't anything that I had ever seen before, or anybody else had ever seen before, that I know of.

Gables Boy Found Hanged; Weird Death Baffles Cops

MIAMI DAILY NEWS

YOUTH

'Hazing'
Ruled Out
In Death

Father Discovers
Body In Trees



Suspect Grim
In Grimm Case



Hanged Boy In Gables
Was Slain, Police Say



He wasn't hung like most people hang themselves by the neck from a rope. The fact that he didn't have any clothes on, and he was a modest boy, led me immediately to believe that there was some sex angle to it, some sex act in some way, either with the help of someone else or through retaliation on the part of someone else—I don't know what it is. It is still a mystery to me.

Mr. GAUGHAN. I show you a picture from the Miami Daily News, a sketch of the boy [handing to Mr. Grimm]. Would you say that is an accurate sketch of how the boy was found when you saw him?

Mr. GRIMM. Yes; very accurate.

Chairman KEFAUVER. Well, Mr. Gaughan, you just describe the picture for the record; tell us what it shows.

Mr. GAUGHAN. The picture at which I am looking shows 2 saplings, with forks, and a 1- by 2-inch board is suspended between the 2 forks of the tree. Hanging by his knees and, of course, in an inverted position, is Kenneth Grimm. He is trussed up with ropes, tied around his ankles, the same ropes reaching from his ankles to his arms, and looped around his neck, so that his body is pulled back in a very grotesque-looking position.

The caption underneath the picture reads:

An artist's sketch shows how Kenneth Grimm, 17, was found trussed and hanging from a wooden crossbar between two trees in bushes near his Coral Gables home at 5028 Maggiore Street. The boy's feet were bound by a rope, and he was hanging from his knees. The rope from his feet encircled his neck, bending his body in a sharp backward arc.

Chairman KEFAUVER. Let that be entered into the record.

Senator LANGER. May I see it, please?

Mr. GAUGHAN. Yes, sir [handing to Senator Langer].

Mr. Grimm, do you recognize, sir, this booklet which I hand you, entitled, "Cartoon and Model Parade," published by Irving Klaw, "the Pin-Up King?"

Mr. GRIMM. Yes.

Mr. GAUGHAN. Would you tell the subcommittee how you first came upon a copy of this book?

Mr. GRIMM. Through a mutual friend who was interested in the case, why, he brought my attention to an ad in one of these so-called girlie magazines, which publicized this book.

It took him quite a while to find the thing and bring it to me, and he finally did. My son-in-law sent off for the catalog.

As a result of that, I found very similar situations, or very similar acts of tying people up in that book that reminded me of my son's case, and that is one reason why I got hot on this angle at this end of it. I had never come across anything like that before, and I was looking for a clue.

I feel that there is some connection in some way. I don't know just what the connection is, indirectly or directly, through someone else that studied this and knew about it; I don't know what happened. I do feel that this is the hottest thing that I have gotten onto since the boy died; I believe that, as far as this clue to the incident is concerned.

Mr. GAUGHAN. Sir, I direct your attention specifically to page 3 of this publication showing a young lady trussed up, and ask you to look at that picture, with her arms tied behind her back, her mouth gagged, the only dissimilarity is that she is in a sitting position here.

In other words, if we were to flip her backwards, she would be upside down.

Is that somewhat similar to the position, the way the ropes were arranged when you found your boy?

Mr. GRIMM. I can't say this is a similar position. There are some in here which are very similar.

Mr. GAUGHAN. Let me direct your attention to page 4.

Mr. GRIMM. Even these cartoons here [indicating], some of these probably, if you invert them, would probably be very similar.

I can't say that I ever studied these. I would probably be more like this.

Mr. GAUGHAN. On page 8?

Mr. GRIMM. Yes.

Chairman KEFAUVER. I saw one in there where they had a person hanging with the feet down.

Mr. GAUGHAN. Yes. There are so many different illustrations of this hanging business and trussing business that it is hard to point to any particular one.

Let me show you this one here, sir. This picture here illustrates a model known as Betty Page.

Does that accurately reflect about how your boy was found?

Mr. GRIMM. It is more or less the same. It is a very similar position; there is a resemblance to the way I found him.

Mr. GAUGHAN. In other words, when you went through this book by yourself you were immediately struck by the number of illustrations in that book that depicted the same fashion in which your boy died?

Mr. GRIMM. That's right.

Mr. GAUGHAN. And you, sir, came to what conclusion after looking at this magazine?

Mr. GRIMM. As I say, I have been looking for some clue to this thing. I haven't had the police into it. They let the case rest as some type of accident due to some impulse on the part of the boy. They don't know anything beyond that, and they haven't been of any help beyond that.

In trying to solve the thing, in trying to arrive at some more definite reason for this, why, that is the closest thing I have gotten to it. The way that was tied, it wasn't anything that any youngster like him, with his character—it wasn't anything that he could concoct himself. There wasn't any history of that; no similar action on his part. He led an outdoor life. He was active in the Boy Scouts from the time he was a little bit of a fellow. He had attended a boys' camp in Tennessee for 5 or 6 seasons. He had only been home 2 days from the camp when this happened. He was a counselor there this year, and I don't think they would have selected him and invited him to have become a counselor if there was anything questionable about his actions.

Therefore, I feel that he could not have worked himself into this position of his own making, or couldn't have thought of anything like that. It would have had to have been brought to his attention by either someone else showing him how, or he saw a picture of it—I don't know. I feel there is a definite connection between this sort of thing and his death.

I also feel there is definitely an evil to this, and I am bound and determined to do what I can to suppress it. It isn't good. It is an un-

healthy situation. It is not wholesome. There is nothing cultural about it. It is just no damned good. That's all I can say about it.

Naturally, I feel more keenly about it since I was involved in something that I feel is a direct result of something like this, you see.

Mr. GAUGHAN. Your boy is gone, and you are trying to prevent anything like this happening in the future to any other parents?

Mr. GRIMM. That's right.

Mr. GAUGHAN. In other words, sir, you became interested in this thing known as bondage, this tying, after your boy's death, and it was something with which you were not acquainted prior to this incident?

Mr. GRIMM. That's right.

Mr. GAUGHAN. And you are now in your mind thoroughly convinced that he was a victim of this thing that we have been discussing this morning with Dr. Henry, called the bondage and fetish?

Mr. GRIMM. That's right. In some way; yes, sir.

Mr. GAUGHAN. Sir, I hand you a clipping from, I believe this is, the Miami Herald of January 7, 1955 [handing to Mr. Grimm].

Mr. GRIMM. Yes.

Mr. GAUGHAN. Headed "Murder Charged to Vet in Beach Strangling." Would you, sir, tell us the contents of that article, what it purports to show?

Mr. GRIMM. It concerns the case of a young fellow about 21 years old, a veteran of the Marine Corps, just out of the marines, who it seems was invited to the apartment of a male hairdresser about 27 years old, and they found the hairdresser trussed up in a very similar fashion to the way these pictures look there, and the way I found my son—the same type of thing. In fact, the newspapers made reference to both cases, the similarity of both cases.

As a result, this 27-year-old fellow died, and the veteran has been sentenced and convicted, or convicted and sentenced to a lifetime sentence in prison.

The only tieup it has with my son's case is that there was newspaper references to the two, and it seems to me it has to do with the same sort of thing which we are all here discussing now.

Mr. GAUGHAN. I understand, Mr. Grimm, that this young man who died on January 6 of this year was found trussed up in the same type of position except that he was laid on the floor instead of suspended.

Mr. GRIMM. Similar, yes; very similar position. The rope was behind his back, of course. It was unnatural. If it was just a case of tying somebody up to keep them from getting away, when you study this, as you and I have since we have become interested in this, you recognize it immediately as an unusual practice. It isn't anything that happens just in the——

Mr. GAUGHAN. Normal course of events?

Mr. GRIMM. That's right. Somebody just tying somebody up to keep them from getting away—there is some sex angle connected with this, and the police recognize it as such. It evidently has a tie-in with this bondage idea, about which I never knew before I started studying it recently.

Mr. GAUGHAN. This clipping, sir, and other similar clippings to it, at the time the newspapers in the area called attention to the similarity of your boy's death, this boy's death——

Mr. GRIMM. That's right.

Mr. GAUGHAN. And it was pointed out at the trial of the young man—I believe he was a 20-year-old young man who was convicted and who is now serving life in the Florida State prison—that it was a definite sex crime, and that he had committed an unnatural act upon the young man who was trussed up.

Mr. GRIMM. No, sir; it wasn't exactly like that.

I believe that the theory behind the thing is that it was a sex crime of this nature, also, but I don't believe that—there was some evidence of a sex act involved, but just who was involved, I don't know.

As a matter of record, I don't believe it involved the young man. He claims the other fellow propositioned him, and as a result he tied him up. That's his story.

Chairman KEFAUVER. Let this be filed as an exhibit.

(The newspaper clippings were marked "Exhibit No. 20," and are on file with the subcommittee.)

Mr. GAUGHAN. In other words, this is an end result, as we discussed with Dr. Henry this morning, of the unnatural fetishes, and another boy is dead.

Mr. GRIMM. That's right.

Mr. GAUGHAN. Mr. Chairman, I have no further questions. Is there any question you would like to ask?

Chairman KEFAUVER. Senator Langer, any questions?

Senator LANGER. No, sir.

Chairman KEFAUVER. Mr. Grimm, tell us again how it was you got this publication?

Mr. GRIMM. He had an ad in the girlie-type magazine—a full-page ad, in fact—describing a lot of this tying up business.

A friend, being interested in my case, thought it might throw some light on my son's case, so he brought me the magazine. As a result, my son-in-law sent for this magazine to see what there was to it, and sent it to me. That's how I came upon this catalog.

Chairman KEFAUVER. In this catalog which has been shown to you—

Mr. GRIMM. Incidentally, after listening to the testimony this morning, there is no question there, again, as to whether it was a minor or who was asking for this literature. It was just sent out without any strings attached at all.

Chairman KEFAUVER. In this catalog are small examples of what you will see in larger and more numerous types—

Mr. GRIMM. Probably so; yes, sir.

Chairman KEFAUVER. Folders. When you send in the money you get the whole thing.

Mr. GRIMM. That's right. Evidently, we didn't send in for them, because this was just more or less as far as we cared to go with it at the time.

Evidently they come in serial form. The one picture encourages you to buy more. I suppose that's the idea. We never went in for that; we didn't know. I presume that that's the idea behind it.

In other words, you get on the mailing list, and I suppose you are a subscriber then, if you care to be, and you can buy as much of it as you want.

Chairman KEFAUVER. It gives a little example of what it is you are going to see; and then it says that after being bound and blindfolded, "Joan is led away in an automobile driven by a bound and gagged

chauffeurette, taken to a training school." The price is 50 cents, each chapter, size 8 by 10.

So that you order by number, and then you get a large picture and a series of the similar kind of picture here. That is what this catalog is.

Mr. GRIMM. That's right.

Chairman KEFAUVER. I think it is interesting to look at this. This seems to be the 97th edition. The catalog itself costs 50 cents.

Mr. GRIMM. Yes. Obviously, I believe you will agree with me—I am no expert on this sort of thing, but I have been around a little bit in my life, in the type of work that I do—it doesn't take an expert to recognize that as not a wholesome, cultural type of literature. It definitely was not displayed or sent through the mails for that reason at all, to add to the cultural uplift of the country at all. It is evil; it is no good.

Chairman KEFAUVER. Well, it speaks for itself.

Mr. GRIMM. That's right.

Chairman KEFAUVER. Well, sir, we thank you for your cooperation and for the help you have given us.

Mr. GRIMM. Yes, sir.

Chairman KEFAUVER. Who is our next witness?

Mr. CHUMBRIS. Mr. Irving Klaw.

Mr. Klaw. I would like to request no photographs, no lights, if you don't mind.

Chairman KEFAUVER. The photographers have a right to take your picture. As customary, after you start testifying, we will ask that the lights be turned off.

Have you been sworn, Mr. Klaw?

Mr. Klaw. No.

Chairman KEFAUVER. Do you solemnly swear the testimony you will give the subcommittee will be the whole truth, so help you God?

Mr. Klaw. I do.

TESTIMONY OF IRVING KLAU, NEW YORK, N. Y.

Chairman KEFAUVER. You had counsel with the other day?

Mr. Klaw. Yes, sir.

Chairman KEFAUVER. Is he with you?

Mr. Klaw. Yes, sir.

Chairman KEFAUVER. Mr. Counsel, won't you come up?

Mr. Gangel. I am available in the room for consultation if he wants me.

Chairman KEFAUVER. If you want to sit with Mr. Klaw, you may.

Mr. Gangel. Yes, sir.

Chairman KEFAUVER. Just as you wish. If you will just be available for consultation, that is all right.

Mr. Gangel. I will be available to him.

Chairman KEFAUVER. If you wish to consult with Mr. Gangel at any time, you will let the subcommittee know and we will interrupt the proceedings for that purpose.

Let the record show that Senator Langer and the chairman are present.

Mr. Chumbris, will you proceed?

Mr. CHUMBRIS. Mr. Klaw, will you state your full name?

Mr. Klaw. Irving Klaw.

Mr. CHUMBRIS. And your address?

Mr. Klaw. 212 East 14th Street, New York City.

Mr. CHUMBRIS. Mr. Klaw, in what business are you engaged?

Mr. Klaw. I decline to answer under the fifth amendment of the Constitution of the United States, that to answer may tend to incriminate me.

Chairman KEFAUVER. Mr. Chumbris, I think it would be well for you to make a brief statement as to the nature of the testimony that you expect to elicit from Mr. Klaw by your questions so that we can determine whether the evidence that you would expect to secure comes within the jurisdiction of the inquiry of this subcommittee.

Mr. CHUMBRIS. Mr. Chairman, our investigation reveals that Mr. Klaw is one of the largest distributors of obscene, lewd, and fetish photographs throughout the country by mail.

We expect to show that he has had difficulties with the Post Office Department.

We have had testimony today, as well as last week from Dr. Karpman, and Dr. Henry today, showing the effect that these photographs have on juveniles and on youth.

We have had testimony today from Mr. Roth, and other testimony, which indicates that this material does get into the hands of youth, and our subcommittee has received complaints from many parents to the effect that advertisements of these particular photographs, as well as the photographs themselves, have gotten to the youth.

Chairman KEFAUVER. Do you expect to ask Mr. Klaw, and do you have as to the material that he is sending out, information that they are getting to the children and to the young people; is that part of the showing?

Mr. CHUMBRIS. That is right. That is part of the overall investigation that not only Mr. Klaw but others are producing the type of fetish photographs and lewd photographs that not only in some instances have used youth as models, but they do get into the hands of the youth.

We do believe that that has a direct bearing on our juvenile delinquency investigation.

Chairman KEFAUVER. Part of this record will also include the testimony of Dr. Henry, Mr. Grimm, and of the exhibits which have been put into the record, including Cartoon and Model Parade, published by Irving Klaw, the Pin-Up King, for artists, photography students, and collectors.

Mr. Chumbris, do you expect to prove that our subcommittee has complaints and correspondence from parents or children, law-enforcement officers, showing that Mr. Klaw's publication has anything to do of a deleterious nature affecting juvenile delinquency with young people?

Mr. CHUMBRIS. Yes, Mr. Chairman. The Post Office Department has turned over to us advertisements similar to the advertisements that we introduced into the record this morning that Mr. Roth has sent out. These advertisements have gotten to the youth.

We have this exhibit which shows the type of photos that do go out throughout the country.

We have a statement here which shows that 65 percent of the customers that Mr. Klaw has of movie stills are girls from 6 to 16, thereby creating a mailing list of a great many minors.

We have in our investigation determined information to that effect, that he has a mailing list—

Chairman KEFAUVER. You mean that he uses young people or minors in the pictures and the magazines that go out?

Mr. CHUMBRIS. No; that they are the ones who request of Mr. Klaw the movie stills.

He has a mailing list—65 percent of that mailing list, customer list of those stills, are girls from 6 to 16. I would like to ask him those particular questions.

Chairman KEFAUVER. Very well. In the opinion of the subcommittee the statement of what you expect to prove by Mr. Klaw has relevancy and is within the jurisdiction of this subcommittee to make inquiry.

Would the reporter repeat the question?

(The reporter read the question, as follows:)

Mr. Klaw, in what business are you engaged?

Chairman KEFAUVER. Mr. Klaw, the subcommittee will order you to answer that question.

Mr. Klaw. May I speak to my counsel, please?

Chairman KEFAUVER. You may speak to your counsel. We will have a brief recess.

(Mr. Klaw confers with Mr. Gangel.)

Mr. Klaw. I decline to answer under the fifth amendment of the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. Mr. Klaw, in fairness and in compliance with the requirements of the Supreme Court, I must warn you that this committee will cite you for contempt of the Senate if you decline to answer, and I will now give you a further chance to answer.

That is within the power that we have, we feel that you are in contempt of the Senate by refusing to answer. It will be our intention to go through the legal proceedings and the legislative proceeding necessary to have you cited for contempt.

Do you still refuse to answer?

Mr. Klaw. I decline to answer under the fifth amendment of the Constitution.

Would that be sufficient to state, that I decline under the fifth amendment, or should I say it all the way through, Mr. Kefauver?

Chairman KEFAUVER. We are not asking any quarter and we are not giving any quarter, Mr. Klaw.

Mr. Counsel, or Mr. Klaw. I don't know what offense that your client may have in mind. We have no desire for him to answer any question or to direct him to answer a question where he pleads the fifth amendment if there is really some justification, if he is in actual fear of prosecution under some Federal statute, or even if while it is not the law, some imminent State statute of the State of New York.

Will you, Mr. Klaw, or you, Mr. Gangel, wish to elaborate under what law he fears he might incriminate himself?

Mr. Gangel. I can state, Mr. Chairman, that in my opinion the witness has a reasonable apprehension that answers would tend to incriminate him.

Chairman KEFAUVER. You do not wish to be more specific, Mr. Gangel.

Mr. GANGEL. I don't believe that I can at this time.

Chairman KEFAUVER. I am not demanding that you do; I just want to give you an opportunity.

Mr. GANGEL. I believe, Mr. Chairman, that we will rest upon the asserted privilege of the witness as he has stated it upon the record.

Chairman KEFAUVER. Does your client have fear of any violence, of any retaliation of any outside nature in case he might answer?

Mr. GANGEL. If he has, I don't know, sir.

Chairman KEFAUVER. If he does, does he wish to say anything about it one way or the other? Mr. Klaw?

Mr. KLAU. I decline to answer on the same grounds.

Chairman KEFAUVER. Very well. Ask the next question. Mr. Chumbris, please go to the next question.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that from 1933 to 1937 you operated a business as a furrier. I wish you would tell us about that.

Mr. KLAU. May I speak to my counsel, please, for a second?

Chairman KEFAUVER. Yes, you may.

(Mr. Klaw confers with Mr. Gangel.)

Mr. KLAU. Yes. I was employed as a furrier during that period mentioned.

Mr. GANGEL. Excuse me, Mr. Chairman, do I understand that there are pictures being taken now? I understood you to state at the outset that at the request of the witness that would not prevail.

Chairman KEFAUVER. Yes; that is the rule. If you request that the television or movies not be taken any further, we will ask them to desist.

All right, next question.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that since 1937 you have produced——

Chairman KEFAUVER. Excuse me just a minute. What was the time he operated as a furrier?

Mr. CHUMBRIS. From 1933 to 1937.

Chairman KEFAUVER. Thank you.

Mr. KLAU. Approximately that time. I don't know the exact dates.

Mr. CHUMBRIS. Our investigation reveals that since 1937 you have produced and distributed obscene, nude, and fetish photographs throughout the country by mail. I wish you would tell us about this.

Mr. KLAU. I decline to answer under the fifth amendment of the Constitution, that to answer might tend to incriminate me.

Chairman KEFAUVER. Mr. Klaw, you are directed by the subcommittee to answer.

I want to state that the committee, this subcommittee, will expect to endeavor to have you held in contempt by the Senate, and through such legal and legislative procedures as may be necessary.

Then, if held in contempt by the Senate, the matter then goes to the district court, where you will be tried for that, or presented to a grand jury.

If the grand jury returns a true bill, presumably you will be tried unless the matter is dismissed by the district attorney.

That will be the procedure we will endeavor to follow if you refuse to answer.

Do you wish to consult your counsel?

Mr. Klaw. Yes.

(Mr. Klaw confers with Mr. Gangel.)

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. You say that you decline to answer under the fifth amendment, basing your grounds upon the fifth amendment to the Constitution.

Next question, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Klaw, I have here a publication known as Cartoon and Model Parade, 97th edition, price 50 cents, published by Irving Klaw, and in quotes, "The Pin-Up King"—"For artists, photography students, and collectors."

I show you this magazine and I would like for you to look at it carefully [handing to Mr. Klaw].

Chairman KEFAUVER. Ask your question, Mr. Chumbris.

Mr. CHUMBRIS. Our investigation reveals that you have published that magazine and that you have distributed throughout the United States photographs that have been produced—

Chairman KEFAUVER. The magazine speaks for itself.

Mr. CHUMBRIS. That have been produced by you that have been reflected in this particular catalog.

Will you tell us about the pictures in that catalog and your production and distribution of those pictures throughout the United States?

Mr. Klaw. I decline to answer under the fifth amendment of the Constitution, on the grounds that to answer may tend to incriminate me.

Chairman KEFAUVER. Mr. Klaw, it is again my duty to direct you to answer under penalty of contempt of the Senate. Do you still refuse?

Mr. Klaw. I decline to answer under the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Klaw, do you or any company with which you are connected print or publish the magazine that has been handed to you and which will now be identified an "Exhibit A" to your testimony?

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. You are ordered to answer, and if you do not answer this subcommittee will do everything possible to have you held in contempt of the Senate.

Do you still refuse to answer?

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution.

Chairman KEFAUVER. Let it be marked and identified as an exhibit. Will you so mark it at the present time, Mr. Chumbris?

(The catalogue was marked "Exhibit No. 21" and is on file with the subcommittee.)

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals—

Chairman KEFAUVER. We order that the magazine marked "Exhibit A" is made a part of the official record.

Proceed, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that you are known as one of the largest distributors of obscene, nude, and fetish photographs. I wish you would tell the subcommittee about this.

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution that to answer may tend to incriminate me.

Chairman KEFAUVER. Mr. Klaw, you are directed to answer by the subcommittee under penalty of contempt of the Senate.

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. Mr. Chumbris, your first question was about his business. I should like to ask Mr. Klaw if he will tell us in what business he has been engaged since 1937.

Mr. Klaw. May I consult my counsel, please?

Chairman KEFAUVER. Very well.

(Mr. Klaw consults with Mr. Gangel.)

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. The chairman orders you to answer under penalty of the Senate.

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. Next question, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that you have been investigated by the United States Post Office Department for alleged violations of title 18, sections 1461 and 1462, which pertain to obscene matter sent through the mails. I wish you would tell this subcommittee your difficulties with the Post Office Department.

Mr. Klaw. I would like to consult with my counsel.

Chairman KEFAUVER. Very well.

(Mr. Klaw consults with Mr. Gangel.)

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. The chair directs you to answer under penalty of contempt of the Senate.

Mr. Klaw. I decline to answer under the fifth amendment that to answer may tend to incriminate me.

Senator LANGER. Mr. Chairman, I should like to have a recess of 5 minutes. There is an important telephone call for me.

Chairman KEFAUVER. We will stand in recess for 5 minutes.

(A recess was taken.)

Senator LANGER. Thank you very much, Mr. Chairman.

Chairman KEFAUVER. We were glad to have a recess. The recess is now terminated. The record will show that Senator Langer and the chairman are present.

Mr. Chumbris, will you ask your next question?

Mr. CHUMBRIS. Mr. Klaw, did you ever employ a teen-ager to pose for your fetish and nude photos that you have distributed throughout the United States by mail?

Mr. Klaw, I ask you to answer that, please.

Mr. Klaw. I decline to answer under the grounds—under the fifth amendment to the Constitution, that the answer may tend to incriminate me.

Chairman KEFAUVER. The chairman will order you to answer the question under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. Let's ask this question:

Have you ever employed any teen-agers, young people under 21 years of age, to pose or participate in photographs, in the making of photographs?

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. The chairman orders you to answer under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. Do you have or have you ever had a mailing list for send out any catalogs or information which includes teen-agers?

Mr. KLAW. I would like to speak to my counsel for a second.

Chairman KEFAUVER. You may.

(Mr. Klaw confers with Mr. Gangel.)

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. You are ordered and directed to answer under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. Let the record show that he declines to answer. Go ahead, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that 65 percent of your customers for movie stills are girls from 6 to 16, thereby creating a mailing list of a great many minors.

Do you wish to tell the subcommittee about that mailing list? Is that true?

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. The chairman directs you to answer upon penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment, that to answer may tend to incriminate me.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that some of the girls who modeled for your obscene, nude, and fetish pictures have also posed for obscene and lewd pictures for other photographers. Is this true or not?

Mr. KLAW. I want to consult my counsel for a minute.

(Mr. Klaw confers with Mr. Gangel.)

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. Mr. Klaw, you are directed to answer under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution.

Chairman KEFAUVER. Mr. Klaw, have you ever employed or do you employ any young people under 18 years of age in your business?

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. You are ordered and directed to answer under penalty of contempt of the United States Senate.

Mr. KLAW. May I consult my attorney for a second?

Chairman KEFAUVER. Yes.

(Mr. Klaw confers with Mr. Gangel.)

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. All right. Anything else, Mr. Chumbris?

Mr. CHUMBRIS. Yes, sir.

Mr. Klaw, our investigation reveals that some of your clients request fetish and other photographs made to order to satisfy your client's specific perversions, that you fulfill such requests. Is that true or not?

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. We order you to answer under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that you do a gross business of \$1,500,000 a year in the production and distribution of nude and fetish pictures. Is that true or false?

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. The chairman will direct you to answer under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Mr. CHUMBRIS. Mr. Klaw, do you go under the title of "King of photographs," "King of the Pin-up Photographs"?

Mr. KLAW. May I speak to my counsel for a minute?

(Mr. Klaw confers with Mr. Gangel.)

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. You are directed to answer under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution—that to answer may tend to incriminate me.

Mr. CHUMBRIS. Mr. Klaw, our investigation reveals that you have the largest collection of movie stills of any one person in the United States of America. Is that true or false?

Mr. KLAW. I would like to consult my counsel for a minute.

(Mr. Klaw confers with Mr. Gangel.)

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution—that to answer may tend to incriminate me.

Chairman KEFAUVER. You are directed to answer under penalty of contempt of the Senate.

Mr. KLAW. I decline to answer under the fifth amendment to the Constitution—that to answer may tend to incriminate me.

Chairman KEFAUVER. I think that covers the field fairly well.

Mr. Klaw, you will remain under continuing subpoena and report back when you or your counsel is notified.

Mr. Gangel, I think we have your address.

Mr. GANGEL. I stated it for the record last Tuesday, Mr. Chairman. Chairman KEFAUVER. State it again. It is G-a-n-g-e-l?

Mr. GANGEL. That's right.

Chairman KEFAUVER. What is your first name?

Mr. GANGEL. Coleman, C-o-l-e-m-a-n.

Chairman KEFAUVER. And your address?

Mr. GANGEL. 165 Broadway.

Chairman KEFAUVER. Upon notice to you, Mr. Klaw, or you, Mr. Gangel?

As we leave, Mr. Klaw, I think I should advise you again that we expect to endeavor to have you held in contempt for refusal to answer some or all of these questions.

If you wish to reconsider and give us any information about the subject matter which we have asked you, I will give you an opportunity to do so at this time.

Mr. GANGEL. May I ask the chairman whether a transcript of the questions and answers would be available to the witness upon payment of the cost?

Chairman KEFAUVER. I will instruct the reporter to let the witness or his attorney have a copy of the transcript upon payment of the costs.

That is all.

Mr. GAUGHAN. Mr. Chairman, may I direct the attention of counsel, and the attention of Mr. Klaw, to the fact that after Mr. Klaw claimed the privilege, he later answered a question concerning his past associations and business life, and then went back behind the privilege again and refused to answer questions.

I think, Mr. Chairman, that that probably will be the position of this subcommittee that he relinquished his right to claim the privilege once he answered the question concerning his past business association.

Mr. GANGEL. Mr. Chairman, I think that points up the burden of counsel in advising the witness under the circumstances.

Chairman KEFAUVER. Yes. That is Mr. Gangel's—

Mr. GANGEL. Headache.

Chairman KEFAUVER. I appreciate the suggestion, Mr. Gaughan; but that is a matter for Mr. Klaw and his counsel.

Senator Langer?

Senator Langer. Could I see that exhibit 21?

(Exhibit 21 was handed to Senator Langer.)

Senator Langer. No questions.

Chairman KEFAUVER. Mr. Klaw, you appeared here on last Tuesday. At that time you were asked to bring in certain books and papers as described in the subpoena which had been served upon you. You refused to do so, either under the fourth amendment or under the fifth amendment.

Have you brought those books and papers in as directed?

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

And furthermore, under the fourth amendment to the Constitution, the subpoena is vague and illegal.

Chairman KEFAUVER. You are ordered to answer the question under penalty of contempt of the United States Senate.

Mr. Klaw. I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

Chairman KEFAUVER. You have not complied with the subpoena, Mr. Klaw, and it is my duty to warn you that your not having complied with the subpoena, unless you express a willingness now to comply with the subpoena, that this subcommittee will do all within its power to have you cited for contempt by the Senate.

Do you wish to comply with the subpoena?

Mr. Klaw. I would like to speak to my counsel for a second.

Chairman KEFAUVER. You will have that opportunity.

(Mr. Klaw confers with Mr. Gangel.)

Mr. Klaw. I wish to answer that I decline to answer under the fifth amendment to the Constitution, that to answer may tend to incriminate me.

And furthermore, that under the fourth amendment to the Constitution, that to make them available may tend to incriminate me.

Chairman KEFAUVER. Again, sir, you are ordered to answer penalty of contempt of the Senate.

Do you continue to decline to answer and to produce the books and records?

Mr. Klaw. I decline to answer under the fifth amendment, that to answer may tend to incriminate me.

Chairman KEFAUVER. Mr. Gangel, I believe that is all.

Mr. Gangel. Thank you, sir.

Mr. Chumbris. Mr. Mishkin.

Chairman KEFAUVER. Sit down, Mr. Mishkin.

Mr. Mishkin, you were here on last Thursday. At that time you were accompanied by Mr. Weiss.

We have a note from Mr. Weiss. He called, or somebody called, saying that he cannot come today because he is in a city council meeting, but he is sending Mishkin and Stone here. It would be good to introduce this item into the record and show that Mr. Weiss is the counsel man.

Do you wish to secure any counsel to advise you upon any matters here?

Mr. Mishkin. At the present moment?

Chairman KEFAUVER. Yes.

Mr. Mishkin. I don't know of any. No, sir.

Chairman KEFAUVER. You intend to handle it yourself?

Mr. Mishkin. I have been advised by him what to say.

Chairman KEFAUVER. You have talked to your counsel and he has advised you what to say. You have it before you?

Mr. Mishkin. Yes, sir.

Chairman KEFAUVER. You have your instructions written out on a piece of paper, I understand.

Let the record show that Senator Langer and the chairman are here. Mr. Mishkin has returned again pursuant to subpoena.

Mr. Chumbris, I wish you would state very briefly what it is that you expect or hope to prove by Mr. Mishkin which brings your questions or the information that you are eliciting within the jurisdiction of this subcommittee.

Mr. Chumbris. Mr. Chairman, our investigation reveals that Mr. Mishkin deals in pornographic material; that not only does he distribute and sell the material but he has also been known to finance other persons in the distribution and sale of pornographic material.

Chairman KEFAUVER. Does this pornographic material reach children?

Mr. CHUMBRIS. From the information that we have received, this pornographic material reaches children throughout the many areas of the United States. Known pornographers have received their particular pornographic material through Mr. Mishkin's sources.

Chairman KEFAUVER. Is there evidence that this material contributes or increases juvenile delinquency among the young people?

Mr. CHUMBRIS. Yes. I think the testimony not only here in New York but in other hearings is replete with testimony to the effect that pornography in the hands of juveniles has a terrific impact on them and leads them to delinquent acts.

Chairman KEFAUVER. Mr. Mishkin was asked a number of questions the other day. Do you have questions you wish to ask him at this time?

Mr. CHUMBRIS. Yes; I have, Mr. Chairman.

Chairman KEFAUVER. Will you proceed.

The Chair will rule, and it is the consensus of the subcommittee authorized to sit here, showing what counsel would expect to prove by this witness has a connection with juvenile delinquency, which is the subject matter we are studying here.

Mr. Chumbris, you go on with your questions.

TESTIMONY OF EDWARD MISHKIN, YONKERS, N. Y.—Resumed

Mr. CHUMBRIS. Mr. Mishkin, our investigation reveals that you are in the business of pornography and obscene literature, and have been for quite some period of time, at least 3 to 5 years. Is that true?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Mishkin, this question has been asked of you, as others were the other day. The chairman will have to order you to answer this question.

I must warn you now that your refusal to answer this question will force this subcommittee to consider you in contempt of the United States Senate, and will endeavor to take such action as is necessary to have it presented to the Senate which, in turn, will refer it to a district attorney here in this district of New York for presentment to a grand jury.

In other words, it will be our intention to make you pay the penalty for contempt of the Senate if you refuse to answer this and other questions which you are ordered to answer.

Do you understand that, sir?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer, and you still refuse to answer; is that correct?

Mr. MISHKIN. I refuse to answer.

Chairman KEFAUVER. I would like to ask a question.

Mr. Mishkin, in what business are you presently engaged?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer upon penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. The record will show that he still refused to answer.

Go ahead, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Mishkin, our investigation reveals that you have developed your obscene-material business to the point that you manufacture, you wholesale, you distribute, and you have large retail business of obscene material in your store; that you also finance people to get into the obscene-material business. Is that true?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. The chairman directs you to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Mishkin, in whatever business you may be engaged do you employ children?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are directed to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Next question, Mr. Chumbris.

Mr. CHUMBRIS. Mr. Mishkin, our investigation reveals that a Mr. Cobb borrowed \$2,000 from you to get started in the obscene-picture business.

Mr. MISHKIN. What was that name?

Mr. CHUMBRIS. Mr. Cobb, C-o-b-b. He borrowed \$2,000 from you to get started in the obscene-picture business. Is that true?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Next question.

Mr. CHUMBRIS. Our investigation reveals that Mr. Cobb and you had a dispute and a falling out in your business relationship on the pornographic material. Is that true?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. I don't think that I will order him to answer that question.

Mr. CHUMBRIS. Mr. Mishkin, our investigation reveals that you have known distributors in Florida, in New York City, in St. Louis, Mo., who have distributed pornographic material to juveniles and minors. Is that true?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Next question.

Mr. CHUMBRIS. Do you know Mr. Al Stone, alias Abraham Rubinstein, alias Abraham Rubin?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Next question.

Mr. CHUMBRIS. Our investigation reveals that you plagiarized material from one Irving Klaw, resulting in serious arguments with said Irving Klaw. Is that true or false?

Mr. MISHKIN. What was that question again?

Mr. CHUMBRIS. Our investigation reveals that you have plagiarized material—

Mr. MISHKIN. What did I do?

Mr. CHUMBRIS. You have stolen material that Mr. Klaw used—Mr. Irving Klaw, resulting in serious arguments with said Irving Klaw.

Chairman KEFAUVER. Plagiarized. Do you know what plagiarized means?

Mr. MISHKIN. I know what that means now; yes, sir.

Chairman KEFAUVER. Do you want to answer that question?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Mishkin, we have some information here that has been brought to our attention, that allegedly you purchased the plates and financed Kingsley Book Store operated by a young man who was in here the other day, for the printing of the Nights of Horror. Is that true?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are directed to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Proceed.

Mr. CHUMBRIS. Mr. Mishkin, do you own outright or with other persons the Times Square Book Bazaar in New York City, the Little Book Exchange in New York City, and/or the Kingsley Book Store in New York City, all stores near the Times Square area in New York City?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered and directed to answer.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Do you employ any minors, any teen-agers, in any business with which you are connected?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You will be ordered and directed to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Mr. CHUMBRIS. Mr. Mishkin, do you permit minors and juveniles to peruse and/or buy obscene material that you sell in one of the three stores that I just mentioned—the Times Square Book Bazaar, the Little Book Exchange, the Kingsley Book Store, or any one of those three?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered and directed to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Proceed.

Mr. CHUMBRIS. Mr. Mishkin, how long have you been in the pornographic material business?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are directed to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Mr. CHUMBRIS. Do you understand what the term “fetish pictures” means?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Mr. CHUMBRIS. Do you understand what “obscene pictures,” or “obscene booklets,” or “obscene paper writings” mean?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Very well.

Now, Mr. Mishkin, you refused to answer some questions on last Thursday.

Senator LANGER. May I ask a question?

Chairman KEFAUVER. Yes, Senator Langer.

Senator LANGER. Mr. Witness, did you print or have printed, or did you manufacture, or did you wholesale or did you distribute pictures showing a young boy about 15 having sexual intercourse with a girl of 14?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are directed to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions.

Chairman KEFAUVER. Senator Langer.

Senator LANGER. Mr. Witness, did you print or have printed, or did you wholesale, or did you distribute pictures showing a bulldog having sexual intercourse with a girl approximately 15 years of age?

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer under penalty of being in contempt of the Senate.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Mishkin, you refused to answer some questions the other day, and you refused to answer some today.

The law bends over backward, or is very lenient, in giving witnesses the protection of the fifth amendment if they are entitled to it. I feel I must notify you and warn you that it will be our endeavor to have you cited for contempt for refusal to answer the questions the other day and your refusal to answer questions today, and to give you a final chance of doing so if you wish to do so now.

If there are any of these questions that you want to answer, or if there is any explanation you want to give, we will be glad to hear you now.

Mr. MISHKIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Very well, Mr. Mishkin. You will remain under subpoena, and it may be we will want to call you again. You are excused now.

Call our next witness.

Mr. CHUMBRIS. Mr. Shapiro, please. Mr. A. M. Shapiro.

Chairman KEFAUVER. Let us call another witness if he is not here.

Mr. CHUMBRIS. Is Mr.—Mr. Kaplan, Mr. Shomer received the subcommittee's telegram this morning. Mr. Rachstein, his counsel, was away for the weekend. They expect Mr. Rachstein back about 4 o'clock.

Chairman KEFAUVER. We will defer his appearance until later on.

Mr. CHUMBRIS. Mr. Rubin.

TESTIMONY OF ABRAHAM RUBIN, BROOKLYN, N. Y.—Resumed

Chairman KEFAUVER. Mr. Rubin, you were sworn the other day and testified here last Thursday, I believe; is that right?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. You have been notified to come back today?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. He objects to being televised. Gentlemen, I will ask your indulgence.

Mr. Rubin, you go by the name of Abraham Rubin and not Al Stone?

Mr. RUBIN. That is right.

Chairman KEFAUVER. Which is correct?

Mr. RUBIN. Abraham Rubin.

Chairman KEFAUVER. Or is it Al Stone?

Mr. RUBIN. Abraham Rubin.

Chairman KEFAUVER. Are you known as Al Stone sometimes?

Mr. RUBIN. No, sir.

Chairman KEFAUVER. You never have been?

Mr. RUBIN. Abraham Rubin.

Chairman KEFAUVER. I don't know where we got Al Stone. Have you ever been known as Al Stone?

Mr. RUBIN. My name is Abraham Rubin.

Chairman KEFAUVER. My question was, have you been known as Al Stone?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Rubin, you were here the other day with your counsel, Mr. Weiss. We got a message he had been attending a city council meeting. Have you conferred with him, and do you wish to have counsel at this time?

Mr. RUBIN. I will go ahead.

Chairman KEFAUVER. Have you conferred with Mr. Weiss—and you have a little piece of paper there?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. What is on that piece of paper?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Are you refusing to tell me what is on the paper, or are you talking about what is on the paper?

Mr. RUBIN. That is on the paper.

Chairman KEFAUVER. That is what Mr. Weiss gave you to read out every time you are asked a question?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. Did you say "Yes"?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. Then you don't need Mr. Weiss here?

Mr. RUBIN. That is right.

Chairman KEFAUVER. But if you want to have an attorney to consult with, we want to give you an opportunity to do so. Do you understand that?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. Do you want to have an attorney to consult with?

Mr. RUBIN. You can postpone it.

Chairman KEFAUVER. Can you get Mr. Weiss here this afternoon?

Mr. RUBIN. No. He is at a council meeting.

Chairman KEFAUVER. Mr. Rubin, what do you understand your immunity privilege to be? Do you understand your immunity under the fifth amendment? What do you understand it to be?

Mr. RUBIN. I would like to have my counsel here.

Chairman KEFAUVER. Do you want to wait until later on this afternoon?

Mr. RUBIN. He won't be here today.

Chairman KEFAUVER. We have had no application by Mr. Weiss to put off any of your hearing on the ground he isn't here; but if you want to get him or somebody else, we will give you a while this afternoon to do so. Would you rather come back a little later on this afternoon? Mr. Rubin, see if you can get your counsel here by 4:30 or some other counsel. We will call you back at that time.

Mr. RUBIN. I won't get anybody else but Mr. Weiss.

Chairman KEFAUVER. A council meeting doesn't last all afternoon.

Mr. RUBIN. I will try to get him, sir.

Chairman KEFAUVER. You are excused until 4:30. We will call you back then.

Who is our next witness?

Mr. CHUMBRIS. Morris Gillman.

Chairman KEFAUVER. Mr. Gillman, you have been here before?

Mr. GILLMAN. No.

Mr. GOLD. Jacob Lewis Gold, 280 Broadway, Manhattan. Mr. Chairman, my client objects to the television and moving pictures paraphernalia.

Chairman KEFAUVER. All right. Mr. Gold objects on behalf of Mr. Gillman. I will have to ask your indulgence.

Mr. Gold, you are counsel for Mr. Gillman?

Mr. GOLD. Yes.

Chairman KEFAUVER. Mr. Gillman, I don't think you have been sworn. Do you solemnly swear the testimony you will give this committee will be the whole truth, so help you God?

Mr. GILLMAN. I do.

TESTIMONY OF MORRIS GILLMAN, NEW YORK, N. Y.

Mr. CHUMBRIS. Your name is Morris Gillman?

Mr. GILLMAN. That is right.

Mr. CHUMBRIS. Where do you reside?

Mr. GILLMAN. 1815 Davidson Avenue, Bronx.

Mr. CHUMBRIS. What is your occupation?

Mr. GILLMAN. I am not employed right now because I am sick.

Mr. CHUMBRIS. How long has that been?

Mr. GILLMAN. Quite a few years.

Mr. CHUMBRIS. Could you be specific? What year was it—1950, 1951, 1952?

Mr. GILLMAN. The last time I was employed was in 1952.

Mr. CHUMBRIS. 1952?

Mr. GILLMAN. That is right.

Mr. CHUMBRIS. What month?

Mr. GILLMAN. It was during the summer.

Mr. CHUMBRIS. What type of work were you doing then?

Mr. GILLMAN. It was in a dye house in New Jersey.

Mr. CHUMBRIS. What was the name of the company?

Mr. GILLMAN. Ranko Finishing Co.

Mr. CHUMBRIS. What type of work did you do?

Mr. GILLMAN. I was watching the goods when they were coming out of the machine.

Mr. CHUMBRIS. What salary did you make?

Mr. GILLMAN. It wasn't steady. It was a couple of days a week, and I couldn't handle it because it was too heavy. Sometimes you have to lift the machine to get the goods out.

Mr. CHUMBRIS. How long had you been working at the Ranko Finishing Co.?

Mr. GILLMAN. A couple of months.

Mr. CHUMBRIS. What did you do before that time?

Mr. GILLMAN. I wasn't doing anything. I was staying home, taking care of the house. I was sick.

Mr. CHUMBRIS. Let us see if I get this straight. You haven't been doing anything for the past couple of years?

Mr. GILLMAN. Right.

Mr. CHUMBRIS. The last job you had was with Ranko Finishing, and you held that job for 2 months?

Mr. GILLMAN. That is right; I couldn't do it.

Mr. CHUMBRIS. Previous to that time what work did you do—previous to your job at Ranko?

Mr. GILLMAN. I haven't been doing anything.

Mr. CHUMBRIS. For how many years back?

Mr. GILLMAN. Maybe 10; maybe 9 or 10 years.

Mr. CHUMBRIS. How have you been supporting yourself?

Mr. GILLMAN. The wife has been working and supporting me.

Mr. CHUMBRIS. Did you bring any of your records with you?

Mr. GILLMAN. Yes, sir.

Mr. CHUMBRIS. Do you have those with you at this time?

Mr. GILLMAN. Yes.

Chairman KEFAUVER. Let us get the records in. What records do we have to be identified? Catalog them so they can be turned back to Mr. Gillman or his attorney.

Mr. CHUMBRIS. Mr. Gillman, do you know Andy Bruckner?

Mr. GILLMAN. No, sir.

Mr. CHUMBRIS. You have never had any business dealings with a person named Andy Bruckner?

Mr. GILLMAN. Not that I know of. I never heard of that name before.

Chairman KEFAUVER. Andy Bruckner, who lives in New Jersey, who was convicted of selling filthy pictures and whatnot.

Mr. GILLMAN. I don't know the man. I never heard of the name.

Chairman KEFAUVER. Do you know anybody there who might have been him, or was in that business?

Mr. GILLMAN. I was never in that business in my life.

Mr. CHUMBRIS. Do you know Kenneth Eads?

Mr. GILLMAN. I never heard that name.

Chairman KEFAUVER. If we got the wrong information about you, I certainly want to apologize. The investigation had a connection between you and Bruckner. If you don't know him, that is something else.

Mr. CHUMBRIS. Mr. Gillman, do you own an automobile or did you own a 1950 green Ford sedan, registered in the name of Morris Gillman, 1815 Davidson Avenue, Bronx, New York?

Mr. GILLMAN. When my wife bought it, it may have been under my name. I don't remember.

Mr. CHUMBRIS. Do you know of your own knowledge whether you ever loaned that automobile to Kenneth Eads of 473 Second Avenue?

Mr. GILLMAN. I never loaned my car to anybody.

Chairman KEFAUVER. Did he get the car and have it around in some business?

Mr. GILLMAN. Nobody ever drove that car.

Chairman KEFAUVER. Did he get it from your wife?

Mr. GILLMAN. Nobody drove that car except myself and my wife.

Chairman KEFAUVER. Did he get it from your wife?

Mr. GILLMAN. I don't think so. I don't know of any such name.

Chairman KEFAUVER. If he had your car and got arrested with your car, would you know about that?

Mr. GILLMAN. That is something new to me.

Chairman KEFAUVER. Is your car 4U9975?

Mr. GILLMAN. No, sir.

Chairman KEFAUVER. A 1950 green Ford sedan?

Mr. GILLMAN. What year?

Chairman KEFAUVER. 1950.

Mr. GILLMAN. I know we had a 1950 Ford.

Mr. CHUMBRIS. A 1950 Ford; is that correct?

Mr. GILLMAN. Yes, but I don't recall the plate number.

Mr. CHUMBRIS. Let me make this statement, and you tell us whether it is true or false. On March 11, 1950, it was decided to keep Kenneth Eads, of 473 Second Avenue under observation. At about 1 p. m. on March 11, 1950, Eads left 473 Second Avenue, carrying a carton and a suitcase, entered car license No. 4U9975, New York, a 1950 green Ford sedan registered to Morris Gillman of 1815 Davidson, Bronx, N. Y.

Mr. GILLMAN. I don't know of such a name.

Mr. CHUMBRIS. Who had police department record E-1403. The car was driven by an unknown male who drove Eads to 313 West 27th, where Eads left the car and entered a furnished rooming house.

Chairman KEFAUVER. You say you don't know Mr. Eads?

Mr. GILLMAN. I don't know Mr. Eads.

Mr. CHUMBRIS. You have no recollection of being in the car with the person going to that address that I mentioned?

Mr. GILLMAN. No, sir.

Chairman KEFAUVER. What have you ever done, Mr. Gillman?

Mr. GILLMAN. Before I went into the service I used to peddle ties.

Chairman KEFAUVER. Peddle what?

Mr. GILLMAN. Ties.

Mr. CHUMBRIS. Do you have a police record, Mr. Gillman?

Mr. GILLMAN. I paid a \$50 fine in Jersey City.

Mr. CHUMBRIS. What was that for?

Mr. GILLMAN. That was for peddling at that time. I will tell you how it happened. I went into the saloon to sell the ties, and while I was selling the ties there was a fellow in there selling pictures, so I bought about 7 or 8 pictures from him; and then when I walked out the detective stopped me for a license, but I don't have any, so they searched me and found the pictures on me; and they arrested me at that time. That was in 1942.

Chairman KEFAUVER. What kind of pictures were they?

Mr. GILLMAN. They were fellows and girls. I was young at that time. I bought them for myself.

Chairman KEFAUVER. All right, go ahead.

Mr. CHUMBRIS. Were you ever arrested in April of 1942, in Jersey City, charged with the sale and possession of obscene pictures—in 1942?

Mr. GILLMAN. I just explained to you how it happened.

Mr. CHUMBRIS. That was in 1942?

Mr. GILLMAN. That is correct.

Mr. CHUMBRIS. Was that the only time you were arrested?

Mr. GILLMAN. I was arrested a couple of times for shooting dice, besides that.

Mr. CHUMBRIS. Where was that?

Mr. GILLMAN. Once it was at Newark.

Mr. CHUMBRIS. What year?

Mr. GILLMAN. I don't recall exactly. It was in 1945.

Chairman KEFAUVER. Do you know where Nick's shoeshine parlor and novelty store, in Ashburton Avenue, Yonkers, is?

Mr. GILLMAN. We live right near Yonkers, and we do a lot of shopping around there, but I don't know anybody by the name of Nick.

Chairman KEFAUVER. Did you ever meet a fellow from New Jersey there in the pornographic-literature business?

Mr. GILLMAN. Never.

Chairman KEFAUVER. And you don't know Mr. Bruckner?

Mr. GILLMAN. No, sir.

Chairman KEFAUVER. Do you know a man named Joe, who is in that business?

Mr. GILLMAN. No, sir.

Chairman KEFAUVER. All right.

Mr. CHUMBRIS. In September of 1953, were you held by the Naturalization and Immigration Service?

Mr. GILLMAN. I don't know what they wanted me down there for.

Mr. GOLD. There was a hearing, Mr. Chairman.

Mr. CHUMBRIS. There was a hearing.

Chairman KEFAUVER. What was it about?

Mr. GOLD. A question of these convictions, 1 for obscene literature, possession, in 1942; and 2 convictions for gambling—shooting dice.

Chairman KEFAUVER. It was on the revocation of his emigration citizenship?

Mr. GOLD. That is correct.

Chairman KEFAUVER. Where were you born?

Mr. GILLMAN. Quebec.

Chairman KEFAUVER. You were naturalized when?

Mr. GOLD. He was naturalized in the United States District Court, right here, on August 5, 1948.

Chairman KEFAUVER. That was in connection with the possible revocation of your citizenship?

Mr. GOLD. That is correct.

Chairman KEFAUVER. Did they charge him with moral turpitude at that time?

Mr. GOLD. No, they did not. It was the question of the convictions—the one for possession, and two for gambling. At that time we called the attention of the inspector conducting the hearing to the fact that the witness had received a discharge under honorable circumstances from the United States Navy. At that time the hearing was closed under the provisions of the Emigration and Nationality Act of 1940 which permits a naturalization without question to an applicant discharged under honorable conditions from the Armed Forces.

Chairman KEFAUVER. Mr. Gold, Mr. Gillman was called in primarily in connection with a staff report he was associated with Mr. Bruckner, who has been dealing in pornographic literature extensively, and who was arrested and sentenced for it.

He says he is not the right person, and this other matter apparently has had some connection with it in times past; but that is not the primary matter he was called in here about.

Mr. GOLD. I might point out to the chairman that as evidence of good faith Mr. Gillman and myself requested a preliminary hearing before one of the counsel to the committee to ascertain what he was

here for, and to make his denials. He at that time was requested to tell the committee under oath the same things he had told Mr. Gaughan, I think it was, and I think he has so done.

Chairman KEFAUVER. Unfortunately, lack of passing information from one to another—it didn't get to us. Anyway, that is all for the present time.

Mr. Fishman.

Mr. Fishman, you are a good public official, and you might have to talk about somebody, so I guess I had better swear you. Do you swear the testimony you are about to give will be the whole truth, so help you God?

Mr. FISHMAN. I do.

TESTIMONY OF IRVING FISHMAN, DEPUTY COLLECTOR OF CUSTOMS, NEW YORK, N. Y.

Chairman KEFAUVER. Let us get on with Mr. Fishman.

Mr. CHUMBRIS. Mr. Fishman, will you give your full name and address and official capacity for the record, please?

Mr. FISHMAN. Irving Fishman; I live at 2095 Kruger Avenue; deputy collector of customs at the port of New York.

Mr. CHUMBRIS. Mr. Fishman, you have testified previously before congressional committees on your duties and responsibilities as a customs official?

Mr. FISHMAN. I have.

Mr. CHUMBRIS. And their relationship to combatting the pornographic distribution?

Mr. FISHMAN. I have; that is right.

Mr. CHUMBRIS. Do you have a prepared statement?

Mr. FISHMAN. I have a prepared statement which I would like to refer to very briefly.

Chairman KEFAUVER. Do you want to file your statement?

Mr. FISHMAN. I have submitted to the committee a copy of this statement. I merely wanted to establish the relationship of customs to the particular problem in question.

Chairman KEFAUVER. Your statement will be appended in full to the record.

Mr. CHUMBRIS. Will you please explain under what act you operate, and what your responsibilities are?

Mr. FISHMAN. Well, the present provision of the Tariff Act under which we operate has appeared for the first time in the Tariff Act of 1942. The language hasn't changed very much. The specific portion of the section, section 305 of the Tariff Act, deals with the prohibition against the importation of materials considered obscene or immoral. Those two tests must be met before we can detain or hold or seize any material for violation of this provision of the law. The determination must be first made that a book, or photograph, or magazine, or motion-picture film, is either obscene or immoral.

The determination that we make is subject to review. The owner has the right to judicial review, and before we can forfeit the material a report of the facts and circumstances of seizure, and so on, is sent to the United States attorney in the district for which the seizure is made.

Mr. CHUMBRIS. How much of a personnel does your office have to cover the many ports of the United States to stop the traffic of pornography from getting into the country?

Mr. FISHMAN. There are 45 customs districts in the United States. The detention of material as possibly objectionable is made by the examiners. For example, at the port of New York there is a book examiner who specializes in examining printed materials; and then, of course, we have our customs inspectors who examine the effects of members of the crew, baggage of incoming passengers; and we also have a force of inspectors who examine mail, foreign mail, which is turned over to the customs service by the Post Office Department for examination. The purpose of this is for the collection of revenue.

In making the examination to determine the possible assessment of duties, these examiners will hold any material which they suspect may be obscene or immoral. That material is then sent to my office, where our group makes the final determination as to whether the material detained is actually violative of this section of the law.

Mr. CHUMBRIS. I understand that your staff has set up some new offices in New Orleans and San Francisco and in Chicago, or, at least, enlarged those offices. Elaborate on that, please.

Mr. FISHMAN. The purpose of these control units is primarily to assist in the enforcement of a Foreign Agents' Registration Act and deals specifically with Communist-type political propaganda.

In connection with the examination of imported material for this purpose, anything found violative of the Tariff Act would also be held and seized and subsequently forfeited.

Mr. CHUMBRIS. The testimony of one of the customs officials at one of our community hearings stated that they are unable to ascertain the amount of pornography that comes into the country, and if he were to estimate he would place it at about 5 percent of what actually comes in.

Would you like to comment on that?

Mr. FISHMAN. I don't know what reference he was making, but it seems to me he might have been talking about our current problem—not current, but it has been our problem for some time, due to lack of adequate personnel, lack of appropriation, and so on.

We examine, as I mentioned, such mail from abroad, such foreign mail, as is suspected of being dutiable. In 1953, for example, the Post Office Department submitted to the customs service, countrywide at these districts that I mentioned, approximately 28 million mailed parcels for examination.

With the force available, we can look at about 5 percent of that mail. Probably his reference to 5 percent may have been to the part that we can examine.

Mr. CHUMBRIS. Do you have jurisdiction over the ships that come in at different ports?

Mr. FISHMAN. Yes. We make a search of the quarters of the crews; the seizures that come up as a result of that are frequent. Of course, we make an examination of the effects of passengers coming into the United States.

Mr. CHUMBRIS. Then lack of personnel is one of the problems that your agency has?

Mr. FISHMAN. Yes.

Mr. CHUMBRIS. Could you recommend to this subcommittee any amending legislation, or the amount of increased appropriation, that might be needed to properly meet this problem?

Mr. FISHMAN. Any observation that I might have must, of course, be strictly my own. I am not authorized to speak for the Treasury Department. Actually, the Treasury Department, Bureau of Customs, did apply for an increase of appropriation for the purpose of coping with this mail examination problem.

It looks as though this next fiscal year we may have some additional help for that purpose.

That, of course, is only one problem. The other feature of it is the difficulty of administering some of the provisions of the existing law, due to the difficulty of reaching a conclusion as to what is obscene. The courts have not been very clear. We find it a little difficult to operate.

Then, of course, there is the natural apathy of the public. The job of detaining or examining merchandise to ascertain whether it is obscene is not a very popular type of thing. Anybody who acts in the capacity of a censor, or if the word "censorship" is used, you are using a dirty word. It is a little difficult to come up with a real definition of what constitutes obscenity.

We have a number of problems. One of them was referred to in prior testimony. It deals with this problem of what is a nudist magazine and what is a magazine which may be considered obscene.

Mr. CHUMBRIS. Do you have any exhibits there of seizures you have made through your various offices?

Mr. FISHMAN. We have some samples of some of the things that we have been doing a little discussion with. Some of these things have been found objectionable and some have not. I brought along a few samples of the type of imported art study publications that we are constantly battling with. These are printed abroad. There are plenty of them printed in this country. This type of thing is alleged to be used by photographers and students of art.

Then we have the group of sunbathing type magazines, which give us a lot of difficulty. And then, of course, we have the type of foreign publications which we have found objectionable, as being pornographic.

I have also brought along for examination by the committee some of the situations that we have been able to correct. For example, it was a popular thing, and still is for time to time, a piece of business to advertise in college publications, that you can send away and buy various types of photographs, and a sample of the type of photograph you can buy is sent along. You can order by number.

If you order and your money happens to get through to the foreign country, they will send you these photographs. Whenever we find a concerted move to buy this type of thing, we notify the Post Office Department, which issues a fraud order, and we stop the money from leaving the United States to these foreign countries.

One of the things we are alert to and try to keep under control is the importation of negatives. The importation of one negative can result in the production of a couple of thousand copies in this country.

Mr. CHUMBRIS. Do you have many negatives that you have been able—

Chairman KEFAUVER. They will be filed as exhibits; also the negatives. We will return them later, if you would like to have them.

Mr. FISHMAN. Some of them we would like to have back for our evidence. We have recently made some large seizures.

Chairman KEFAUVER. What do you call a large seizure?

Mr. FISHMAN. A couple of thousand negatives and prints, and so on, and so forth—various assortments. For example, this sort of thing. These are negatives and they are in series—complete series of photographs which are subsequently printed and made into a book. One set of these negatives can result in the production of a heck of a lot of books.

These, of course, are from a current seizure and we would like to get them back.

Chairman KEFAUVER. Are they mainly pornographic?

Mr. FISHMAN. Yes. Some of them are not only pornographic but they are filthy. I don't think we would have any difficulty proving these are obscene. I put these aside separately and I would like to get them back, if we could.

Chairman KEFAUVER. Where do most of these things come from, Mr. Fishman?

Mr. FISHMAN. Oh, the nudist-type magazine; they are generally shipped from France and Sweden. We get some from Finland, some from Germany. It is pretty difficult to pinpoint them; they come from all over.

Chairman KEFAUVER. Where do the films come from?

Mr. FISHMAN. We have difficulty with the commercial type of motion-picture film, but that is generally not as hard to handle. The real obscene type of film, we pick that sort of thing up infrequently. We have a little difficulty with that.

We had 1 seizure some time ago of about 3,000 feet of film on 1 reel, and about half of it was made up of Mickey Mouse movies, and if our inspector hadn't been persistent enough to run the entire thing about halfway into the reel, he would never have found any of the objectionable material. Obviously, that was prepared with a view of getting it by us. Our surveillance is pretty tight and they very seldom attempt to smuggle commercial obscene motion-picture film into the United States.

Chairman KEFAUVER. As I understand it, on letters and things of that sort, you have a staff that can only look at about 5 percent; is that right?

Mr. FISHMAN. That is correct. We make a segregation of it. Our people are pretty expert in determining from the size of the package and the shipper what it contains. They try to segregate anything which looks like it might be questionable, so that we do have a look at it. The fact remains that we can only reach about 5 percent of all of this imported mail.

Chairman KEFAUVER. Is there an effort made to send a great deal of this stuff into the United States?

Mr. FISHMAN. It ebbs and flows, depending on the situation in the country. Every time the courts are apt to become liberal in their interpretation of what is objectionable, there is an increase in this type of thing.

Chairman KEFAUVER. When the courts crack down, then there isn't much of it that comes in?

Mr. FISHMAN. That is right. As a result of some of the recent rulings on motion-picture film, there was an increase of foreign mo-

tion-picture film into the United States, which we ordinarily would hold up, which we did still hold up.

Chairman KEFAUVER. As a result of the Supreme Court decision, has there been an increase?

Mr. FISHMAN. That didn't help us very much, although we haven't changed our views as a result of the ruling.

Chairman KEFAUVER. You were not ruling out "just are," anyway, were you?

Mr. FISHMAN. No.

Chairman KEFAUVER. Whom are these consigned to when they come over here?

Mr. FISHMAN. There are a number of dealers in this area, and also in areas throughout the United States, who receive commercial lots of this type of magazine. They will continue to bring in the type that we will pass, and periodically will attempt to increase the number of new magazines that they will produce. Some of them have been held as strictly obscene, and those they stopped.

It is a constant cat and mouse situation. As we hold them up, they go on to new publications and new titles.

Chairman KEFAUVER. Do you have a list available of the most frequent consignees?

Mr. FISHMAN. We can make up such a list.

Chairman KEFAUVER. Make it up and we will make it an official part of the record. Also, describe the kind of material that is being consigned to them.

Where is it paid for? Is it paid for upon delivery—that is, the freight?

Mr. FISHMAN. It is usually shipped pursuant to a letter of credit so that the funds are turned over to the shipper as soon as the shipment leaves the foreign country.

Chairman KEFAUVER. After it reaches the port of New York and the port of Boston, and the port of New Orleans, then it is shipped on, or is it usually received in the port?

Mr. FISHMAN. I would assume, judging by the quantities, that it is distributed throughout the United States.

Chairman KEFAUVER. And then shipped further by truck or automobile?

Mr. FISHMAN. By truck or automobile—anything to avoid the Post Office Department.

Chairman KEFAUVER. They don't send this through the mails?

Mr. FISHMAN. Not so far as we know.

Chairman KEFAUVER. I take it if the same ruler were applied to material shipped in as is applied to what is sent through the mails, a lot of this wouldn't get by?

Mr. FISHMAN. That is right.

Chairman KEFAUVER. If you had the same definition under the customs statute that you have in the postal statute, you would be relieved of a whole lot of headaches?

Mr. FISHMAN. That is right.

Chairman KEFAUVER. Do you recommend that be done?

Mr. FISHMAN. I do.

Chairman KEFAUVER. I can't see the logic prohibiting something from going through the mail, and at the same time letting it come in.

Mr. FISHMAN. It has been a loophole for a long time, but while it

has been called to the attention of many groups and committees up until now nothing has been done about it. We testified to much the same problem before another committee, and I think the Post Office Department and the Postmaster General will have lots to say on the same subject.

Chairman KEFAUVER. That would be legislation that would stop a lot of it, and help you with your troubles?

Mr. FISHMAN. That is correct.

Chairman KEFAUVER. I am looking here at some of the big seizures that you have made of 6,000 cases, or books or what.

Mr. FISHMAN. May I see the photograph?

Chairman KEFAUVER. I was looking at some of the figures. The importer and the size of the seizures you have made.

Mr. FISHMAN. Well—

Chairman KEFAUVER. There are about 15 or 18 of them, and all of them seem to have been released except 2 of them.

Mr. FISHMAN. They represent this so-called art type of magazine. The ones that we have indicated as being released.

Chairman KEFAUVER. Sun Reviews, and so forth?

Mr. FISHMAN. I brought along some of that type of publication.

Chairman KEFAUVER. Do we ship much of this stuff out of the United States to other nations?

Mr. FISHMAN. I am afraid I couldn't answer that question.

Chairman KEFAUVER. That doesn't come under your jurisdiction?

Mr. FISHMAN. We have some control over exports, but we don't look for that sort of thing.

Chairman KEFAUVER. These photographs show how it is received?

Mr. FISHMAN. That is correct.

Chairman KEFAUVER. Let them be identified and be put in as exhibits.

(The photographs were marked "Exhibit 22," and are on file with the subcommittee.)

Chairman KEFAUVER. You have a fine service, and you do your work and sometimes get a little cooperation and a little praise. I hope this subcommittee can help get this law in shape so that your enforcement problem will be easier.

Senator LANGER. The Senate last year passed a law prohibiting transportation by automobile and by plane. It didn't pass the House. I want the witness to know that it has had some consideration down there in Washington.

Chairman KEFAUVER. I think you will be interested in knowing as a result of the work of this subcommittee we have a bill through the Senate prohibiting the shipment in automobiles, strengthening our customs laws and postal laws, and it has been over in the House, and since the hearings started up here the House Judiciary Committee has brought out the bill favorably, so it looks like we may get some action in this session of Congress.

We want to encourage you in your work and we appreciate you telling us your problems.

We will keep these exhibits separate and return them to you.

Thank you very much.

Let's have about a 5-minute recess at this time.

(A short recess was taken.)

Chairman KEFAUVER. Who is the next witness?

Mr. CHUMBRIS. Mr. Shomer or Mr. A. M. Shapiro.

Chairman KEFAUVER. Mr. Shomer or Mr. Shapiro.

We will let the subpoena be made part of the record and, Mr. Marshal, will you notify Mr. Shapiro if he is not here before the hearing closes this afternoon he will be held in contempt for failing to answer the subpoena?

Mr. CHUMBRIS. Has Mr. Shomer come yet?

Joseph Piccarelli?

Chairman KEFAUVER. Mr. Chambris, will you check which witnesses appeared and which ones are missing?

Mr. Butler, do you solemnly swear the testimony you give will be the whole truth, so help you God?

TESTIMONY OF LT. GEORGE BUTLER, DALLAS POLICE DEPARTMENT, DALLAS, TEX., INVESTIGATOR FOR THE SUBCOMMITTEE

Mr. CHUMBRIS. Give your full name and address, and your official title for the record, please.

Lieutenant BUTLER. George Butler, 6447 Velasco Street, Dallas, Tex., investigator for the committee.

Chairman KEFAUVER. Let the record show Lieutenant Butler is on loan from the Dallas Police Force, and he is one of the outstanding police officers in Dallas. We had him on loan for our Senate Crime Investigating Committee, where he did a very remarkable job, and we appreciate him being with us now.

Also, he has acted in the investigation of the waterfront problems here, some of which were presented by our committee, and most of which were brought out by the New York Crime Commission.

Proceed.

Mr. CHUMBRIS. Lieutenant Butler, you know one Simon Simring operating in the southern part of the United States?

Lieutenant BUTLER. Yes, sir.

Mr. CHUMBRIS. Did you investigate that particular matter?

Lieutenant BUTLER. Yes, sir.

Mr. CHUMBRIS. Is Simon Simring under subpoena of this subcommittee?

Lieutenant BUTLER. Yes, sir.

Mr. CHUMBRIS. Would you please explain why he isn't here?

Lieutenant BUTLER. The United States marshal hasn't been able to locate him.

Mr. CHUMBRIS. Have you personally investigated the Simring matter?

Lieutenant BUTLER. Yes, sir.

Mr. CHUMBRIS. Will you please tell us now in your own words the result of the investigation?

Lieutenant BUTLER. Well, to condense the investigation, I have drawn up a little brief on it. If it is permissible, I would like to read it into the record.

Chairman KEFAUVER. All right, Lieutenant Butler. These facts you know of your own knowledge from your official investigation?

Lieutenant BUTLER. Yes, sir.

Chairman KEFAUVER. Go ahead and read the report.

Lieutenant BUTLER (reading):

This man is regarded as one of the largest dealers in pornography in the southeastern section of the Nation. While no complete rundown on this subject is available at this time, it is known that he was arrested in St. Petersburg,

Fla., on April 23, 1952, for possession of obscene literature, film, and other material.

At that time he gave his address as 540 Northwest 39th Street, Miami, Fla. While out on bond in this case Simring was arrested on July 19, 1953, in Johnson City, Tenn., on a similar charge. Apparently he forfeited the \$54.50 cash bond in this case. No disposition is shown.

On February 11, 1953, he was arrested with another large load of lewd and obscene material in Atlanta, Ga.

On April 23, 1953, he was charged on four counts in connection with this case. He was fined \$1,000 and given 12 months on each count, all sentences being suspended. Still another charge resulting from this arrest was nolle prossed on December 16, 1953 (Exhibit 1—Police Record from Atlanta, Ga.).

Simring went to trial in the St. Petersburg court on June 24, 1953. He was sentenced to 4 years in Judge Bird's court. This trial was a result of charges filed against him on the arrest and seizure in that city on April 23, 1952. He appealed his case and was released on bond (letter from J. R. Reichert, chief of police in St. Petersburg, Fla., entered as exhibit 2 with police mug of Simring).

While out on bond in the St. Petersburg case, and under suspended sentences in 3 counts in Atlanta, Ga., Simring was arrested on April 30, 1955, in Orangeburg, S. C. A very large seizure of pornography material was made by the Orangeburg police department, and an outstanding investigation of Simring was made by Police Chief T. E. Salley. This investigation is still in progress.

In this seizure were 134 rolls of obscene film, 8-millimeter and 16-millimeter; 1,276 folders of lewd and obscene photographs, 12 in a folder; 512 folders of obscene photographs, 20 in a folder; 663 stereo slides of obscene nature; 1,900 color slides of nudes and suggestive poses; 61 books of printed material and pictures, "Permanent Virgin" and "Switch"; 330 books of very lewd printed material with illustrations titled "Alcohol," "Search," "Dark Paths," and "Nora's Sister"; 120 envelopes containing 10 each very lewd pictures; 567 various rubber novelties (inventory's exhibit 3).

A large roadmap of the southeastern section of the United States was found in possession of Simring—175 cities and towns were circled on this map (see exhibit 4 with page listing cities).

Simring was also in possession of customer list with 243 names listed. He had a card index file reflecting customer and contacts in 21 States and Washington, D. C. The index file carried 1,194 names. It is interesting to note that the list contained names and addresses of well-known dealers in the pornography racket, including:

Stanley Jablonski, 3510 Washington Avenue, Jacksonville, Fla.

Louis Shomar, 1541 East Fifth Street, Brooklyn, N. Y.

Harvey Brill, Baltimore, Md.

Red Florence, care of ABC Film Co., Houston, Tex.

Ike Dorfman, Baltimore, Md.

Frank Adler, 368 West 57th Street, New York City.

It will be interesting to note, at this point, that a lead furnished by this subcommittee out of Simring's address book resulted in a large pornography raid on E. "Red" Florence, 9362 Friendly Road, in Houston, Tex., by Sheriff C. V. Buster Kerns and Chief Deputy Lloyd Frazier. The outstanding work and cooperation of Sheriff Kerns and his staff is to be commended.

A comparison of the material seized from Simring shows it to be the same type handled by Lewis C. Allen, arrested in Memphis, Tenn.; Eddie Levy, arrested in Connecticut; Abraham Rubin and Al Stone, arrested in Detroit, Mich.; Arthur Herman Sobel, arrested in Rhode Island; Wyman Parr, arrested in Atlanta, Ga.; Abe Rotto, arrested in Brooklyn, N. Y.; Casimer Wargula, arrested in Buffalo N. Y.; and Eddie Mishkin, arrested in the New York area.

Simring is out now on a 30-day leave, his sentence, and it was during this period we tried to get a hold of him but were unable to do so.

Chairman KEFAUVER. I understand, Mr. Butler, he has been under probation in Atlanta, and was found doing business and arrested in Johnson City and somewhere else?

Lieutenant BUTLER. Yes, sir. From the time he was arrested in St. Petersburg, Fla., he was arrested in Tennessee, Atlanta, Ga., and Orangeburg, S. C. He was out on bond in the St. Petersburg case.

Chairman KEFAUVER. Let these charts concerning Simring's operations be inserted here.



Copy of the original road map taken from one Simon Simring at Orangeburg, South Carolina, April 30, 1955.

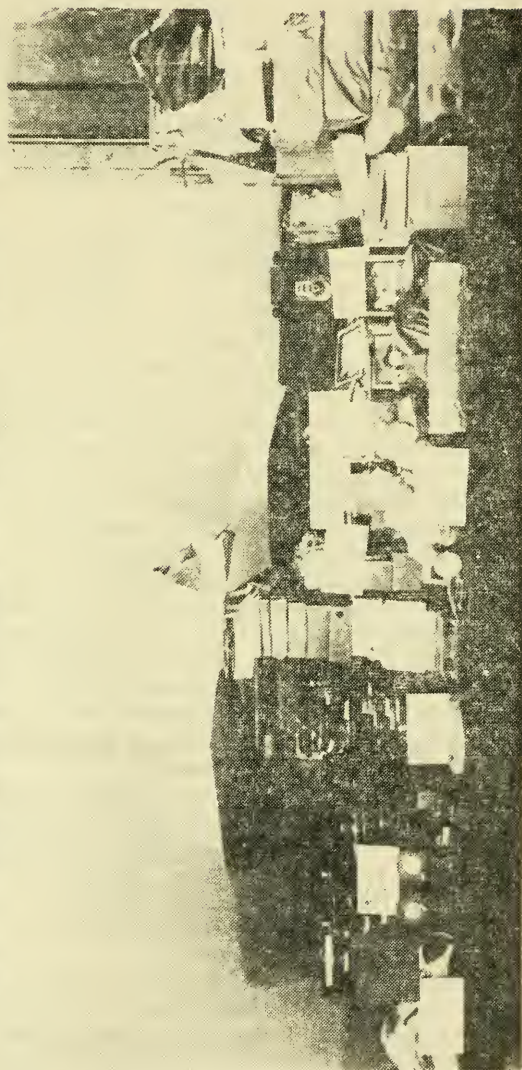
**EASTERN U.S. CONTACTS
OF SIMON SIMRING,
SMUT RACKET BOSS IN THE
SOUTH**

175 DISTRIBUTION POINTS IN 17 STATES



UNITE!

**PORNOGRAPHIC MATERIALS SEIZED FROM SIMON SIMRING
WHOSE ADDRESSES ARE 540 N.W. 39TH AVE., MIAMI,
AND 3631 S.W. 20TH ST., MIAMI, FLORIDA
175 DISTRIBUTING POINTS IN 17 STATES**



Chairman KEFAUVER. Anything else, Mr. Chumbris?

Your investigation showed him to be one of the largest ones operating in the southern part of the country?

Lieutenant BUTLER. Yes. These people seemed to have a definite territory that they operate in. It is more or less like a traveling salesman in any other business. They have a regular route that they cover.

Chairman KEFAUVER. This Houston, Tex., gang that was busted up as a result of this lead, was that a substantial one?

Lieutenant BUTLER. Yes, sir; that was a large seizure.

Chairman KEFAUVER. Who was the man that ran that?

Lieutenant BUTLER. E. Red Florence.

Chairman KEFAUVER. He has recently been convicted?

Lieutenant BUTLER. No; he was recently arrested. He is under charges in Houston, Tex., as of now.

Chairman KEFAUVER. Senator Langer, any questions?

Senator LANGER. They divided up the territory?

Lieutenant BUTLER. Yes, sir. They seemed to operate in various territories like that, and they get to be known; they are shipped around to some territory where their faces are not known.

Senator LANGER. Could you furnish the subcommittee with a map to show how it is divided and who is boss in each district?

Lieutenant BUTLER. I don't have that information yet. Here is a man operating in a southern section; here is a man operating more to the Midwest. This shows in effect the places that were covered by the raid in Houston, Tex. Up here is shown the same cities were marked where pornography was sold to juveniles, in the cities in the black here—the Southwest distributorship here.

Over here, in this Baltimore deal, the stuff coming to New York, and is being parceled out all over the United States.

Chairman KEFAUVER. That is from Baltimore?

Lieutenant BUTLER. Yes, sir. The stuff is sent to these distributors, which would be called a wholesaler, and it is our understanding that each one of these people sell material in that area that they work.

Senator LANGER. Would you go so far that a few men have a monopoly on this business?

Lieutenant BUTLER. They are trying to get it.

Senator LANGER. Senator Kefauver would be very interested in that. Have you got considerable evidence that it is divided up in territories?

Lieutenant BUTLER. Yes, sir. They seem to work a vast territory like this. Each man has a different locality. They don't seem to encroach on each other's territory.

Chairman KEFAUVER. We will go further into this in our Los Angeles hearings. We have some information already as to operations in the western part of the country. After those hearings have been completed, I think we will be able to get a nationwide picture of operations, some of which we do not have established in our testimony as yet.

Mr. CHUMBRIS. Lieutenant, have you examined any of the films and pictures that have been confiscated from Simring?

Lieutenant BUTLER. Yes, sir.

Mr. CHUMBRIS. Have you observed the age of some of the actors in those films and pictures?

Lieutenant BUTLER. In Simring's seizure, I don't recall any juveniles. There is evidence that the same type of material distributed by Simring has been picked up on various school grounds in the section that he operated in.

Mr. CHUMBRIS. Then his material has gotten to the juveniles in those areas?

Lieutenant BUTLER. The same type of material; yes, sir.

Chairman KEFAUVER. Do you have some of the samples that you can make exhibits here?

Lieutenant BUTLER. Yes, sir.

Chairman KEFAUVER. Let them be marked as exhibits.

They will be part of the record here.

Lieutenant BUTLER. The film that he had——

Chairman KEFAUVER. Make them exhibits, too.

(Samples of pornography were marked "Exhibit No. 23," and are on file with the subcommittee.)

Mr. CHUMBRIS. Do you know of your own knowledge that some more film that has been picked up from Simring had been sent to the subcommittee in Washington?

Lieutenant BUTLER. Yes, sir.

Mr. CHUMBRIS. And you don't know of your own knowledge whether there were any minors being participants in those films?

Lieutenant BUTLER. No, sir; I haven't seen them.

Chairman KEFAUVER. Any questions, Senator Langer?

Senator LANGER. Do you have any evidence at all that women are mixed up in this business?

Lieutenant BUTLER. Yes, sir. They play an important part in the posing of these pictures. You mean in the distribution of it, Senator?

Senator LANGER. What I want to know is whether there were any women mixed up in the manufacturing, printing, mailing it, distributing it?

Lieutenant BUTLER. No, the only women we know of so far are the women that posed for the pictures.

Chairman KEFAUVER. Thank you, Lieutenant Butler, very much. We appreciate your good work in this other field.

Mr. CHUMBRIS. Has Mr. Weiss come in yet, the attorney for Mr. Rubin?

Chairman KEFAUVER. Mr. Rubin, you come back around here.

You have been in touch with your counsel?

Mr. RUBIN. I have tried to get in touch with him, but he wasn't in.

Chairman KEFAUVER. He hasn't called to ask for any delay or extension of the hearing?

Mr. RUBIN. He told me to ask you, but if it is all right with you, I want to go ahead with it.

Chairman KEFAUVER. Are you ready to go ahead?

Mr. RUBIN. Yes.

Chairman KEFAUVER. You have got it written out there?

Mr. RUBIN. Yes.

Chairman KEFAUVER. You have got your counsel's advice on a piece of paper; is that right?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. Mr. Chumbris, will you make a brief statement about the nature of your questions, and what you expect to bring out by the testimony of Mr. Rubin, or have you done that?

Mr. CHUMBRIS. Our investigation reveals that Mr. Abraham Rubin, alias Al Rubin, alias Abraham Rubinstein, alias Stoney Rubin White, alias Al Stone, is one of the large distributors of pornography throughout the United States, that he has contacts in many of the cities such as Chicago, St. Louis, New York City, Washington, D. C., Jacksonville, Fla.; he has been connected with E. Red Florence, of Houston, Tex., and Simon Simring, of Miami, Fla., as well as Eddie Mishkin, who was here this afternoon.

We have information that this pornographic material is distributed and gets into the hands of juveniles and definitely has an impact on youth and juvenile delinquency.

Chairman KEFAUVER. Is it distributed across State lines?

Mr. CHUMBRIS. It is distributed across many State lines. At least 20 States have been listed in areas where Al Stone distributes this pornographic material. The police chiefs of Detroit and Chicago were here and testified, and they definitely know of the operations of Al Stone, alias Abraham Rubin, as well as Inspector Blick, who also testified during the course of these hearings.

Chairman KEFAUVER. Their testimony is in the record and if necessary it will be made part of any special record.

You ask Mr. Stone any questions you have to ask him.

TESTIMONY OF ABRAHAM RUBIN, BROOKLYN, N. Y.—Resumed

Mr. CHUMBRIS. Will you please give your full name and address for the record again, please?

Mr. RUBIN. Abraham Rubin, 1639 41st Street, Brooklyn.

Mr. CHUMBRIS. Are you also known as Al Stone?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Mr. Rubin, you have been here in the hearing room when we have had other witnesses who have taken the fifth amendment. We don't want to deny it to you or to any other witness whose testimony would, indeed, tend to incriminate you. It seems to me this is a proper question. The purpose of this subcommittee will be to ask that the full committee cite you for contempt if you refuse to answer this question. It will then be sent to the district attorney, who will present it to the grand jury, if he wishes to, and there will be a trial if a true bill is found.

I feel that I must warn you of the intention of this subcommittee, and also order you to answer that question.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Let the record show that Mr. Rubin has a piece of paper that he is reading from.

Ask him the next question.

Mr. CHUMBRIS. Mr. Rubin, alias Mr. Stone—

Chairman KEFAUVER. Just say Mr. Rubin.

Mr. CHUMBRIS. Mr. Rubin, do you know Frank Leno, alias Frank Uderri, of Chicago, Ill.?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. The chairman orders you to answer under penalty—

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Mr. CHUMERIS. Do you know Stanley Jablonski, of Jacksonville, Fla.?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Let's ask the question in a different way. Do you know Stanley Jablonsky, who is purported to have some connection with pornographic literature, in Jacksonville, Fla.?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered and directed to answer under the penalty of being in contempt of the United States Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. What business are you in?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. In any business that you might be in, do you employ children or teen-agers?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered and directed to answer under penalty of being in contempt of the Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You know what the immunity provision is?

Mr. RUBIN. My rights of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are fully apprised of your rights and the penalties that go with the refusal to answer?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Will you tell us, Mr. Rubin, what information you have about what the fifth amendment is?

Mr. RUBIN. Constitutional rights.

Chairman KEFAUVER. Did you talk with your lawyer about it?

Mr. RUBIN. Yes, sir.

Chairman KEFAUVER. Who wrote out this piece of paper where you have that?

Mr. RUBIN. My lawyer.

Chairman KEFAUVER. Did the lawyer just tell you to read that whenever you were asked a question?

Mr. RUBIN. That is right.

Chairman KEFAUVER. Is that right?

Mr. RUBIN. That is right.

Chairman KEFAUVER. You are answering some questions. Did he say to you "Use your own judgment"?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Senator LANGER. Do you know who is the President of the United States?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Senator LANGER. Did you ever hear of Abraham Lincoln?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. We will order to direct you to answer that question under penalty of being in contempt of the Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Mr. CHUMBRIS. Mr. Rubin, I hand you an exhibit, which contains a front-face photograph and side-view photograph with "Department of Police, Detroit, No. 109385, FBI No. 608419, in the name of Abraham Rubin," and I show it to you, and ask you if you can identify that? Do you have any knowledge of that photograph?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. The Chairman orders you to answer under penalty of being in contempt of the Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. This has been made part of the record, and will be filed as an exhibit.

Mr. Rubin, I think you ought to understand that the fifth amendment is for the real protection of people when they are called upon to testify. It is not a provision that is to be used just for coving up or to prevent a Senate committee from securing facts that it is entitled to have. Our purpose here is to get information. I think you ought to think seriously about what you are doing here today.

Is there anything that you will tell us about your business, Mr. Rubin?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are directed and ordered to and under penalty of being held in contempt of the Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Mr. CHUMBRIS. Mr. Rubin, I show you a record of the Detroit Police Department, No. 109385, in the name of Abraham Rubin, FBI No. 608419, and attached thereto is a photo, one is a side view, one is a front view, the front-view picture contains a notation "Detroit Police, 5-19-53," with the number of 109385, which is consistent with the number that I just read, of the Detroit Police Department. I show it to you and ask you if you can identify it, and if that is your picture?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Let the exhibit which counsel asked about, be marked so that we can see what it is.

You are ordered and directed to answer the question under penalty of being in contempt of the Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Mr. CHUMBRIS. May I introduce into the record a road map of the Northeastern part of the United States?

Chairman KEFAUVER. That will be introduced into the record today.

Mr. CHUMBRIS. Mr. Rubin, I have here an AAA road map, American Automobile Association, covering the Northern States, and in this map it shows circles in a reddish purple color, with circles marked around the cities of New York, Richmond, Va.; Louisville, Ky.; St. Louis, Mo.; Indianapolis, Ind.; Fort Wayne, Ind., an area covering the cities of Michigan City, New Buffalo, Michigan City being in Indiana, and New Buffalo being in Michigan; Detroit, Mich., and in the same map there is a green road identification covering those same cities which indicates a route map prepared by the AAA for those States.

Have you ever seen this particular map before, and was it not taken from your possession by the Detroit police department?

Chairman KEFAUVER. Ask the first question.

Mr. CHUMBRIS. Have you seen this map before?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered to answer under the penalty of being in contempt of the Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Let it be Exhibit 24.

(The map was marked "Exhibit No. 24," and is on file with the subcommittee.)

I think you said it was found in his car, and other evidence shows that Mr. Rubin was in these towns set forth on the map.

Mr. CHUMBRIS. That is correct.

Chairman KEFAUVER. All right.

Mr. CHUMBRIS. I again show you this particular map, and wasn't this map, marked "Exhibit No. 24," covering the cities heretofore mentioned, the same map that was taken from your car, in your possession, on or about the 19th day of May 1953 by the Detroit, Mich., police department?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are directed to answer under penalty of contempt.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Senator LANGER. Mr. Chairman, I note that Mr. Abraham Rubin got 6 months suspended sentence in Poughkeepsie for possessing obscene literature, in 1932, on November 23.

On the 24th of February, 1923, he was fined \$250 and costs, and a suspended sentence of 6 months in jail, at Darien, Connecticut.

On the 4th day of May, 1933, he was sentenced to 3 months in Erie County Penitentiary, in Buffalo, N. Y.

On the 5th day of April, 1933, for violating section 1141 of the United States Code, he got 3 months.

I find, on the 14th day of February, 1934, according to the Detroit police record, for possessing obscene literature, he got a \$75 fine or 30 days in the county jail in New York.

In 1934, for possessing obscene literature, he got 30 days in Providence, R. I.

On the 4th day of July, 1934, for possessing obscene literature, he got 30 days and costs.

On the 18th day of May, 1953, for possessing obscene literature in Detroit, Mich., he got \$100 and 90 days in jail.

It seems to me that if that be the record, we should draw up legislation that would provide for a second and third and fourth offense that the penalty be more stringent. If this record is correct—and there is no reason to believe that it is not, we find here after the sixth offense for possessing obscene literature, Mr. Rubin received a \$100 fine or 90 days in jail.

In New York we have the Sullivan law—we have a law which provides for four felonies a man gets life. Yet we have the absurd situation where, for a sixth offense, a man pays a \$100 fine.

Chairman KEFAUVER. Your comments and suggestions are good, Senator Langer, and I agree with you that a man with this long record, still showing no heavy penalties, is not very effective law enforcement.

It may be that these different places did not know about his previous record, but certainly as to Federal convictions, to the extent that it comes under the Federal law, will, in the future—I will ask the staff to consider and make a study of just what we can do to have some more severe penalties as time goes on.

Senator LANGER. I will be happy to be a cosponsor.

Chairman KEFAUVER. Thank you. We will cosponsor it together.

Mr. Rubin, let me see if I can get clear again just what your lawyer told you with reference to pleading this fifth amendment.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Senator LANGER. Did I hear you say your lawyer was a member of the city council of the city of New York?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Did the attorney advise you to invoke your privilege on every question that was asked?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Do you mean that the advice your attorney gave you might incriminate you if related to this committee?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. What did your lawyer say to you in his office at that time when you went to him for counsel?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You mean again to say that any advice you may have gotten would cause you any trouble if related here, that it might incriminate you?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Any other questions?

Mr. CHUMBRIS. I have just one more exhibit.

Chairman KEFAUVER. All right.

Mr. CHUMBRIS. Mr. Rubin, I have here a photostatic copy of a name and address book of Al Stone, also known as Abraham Rubin, which address list has in it numerous names, one of which is Abe

Rotto, New York City; another, Eddie, telephone number, SP 9-3384—

Chairman KEFAUVER. Let it be filed as an exhibit—and ask him about it.

(The address book was marked "Exhibit No. 25," and is on file with the subcommittee.)

Chairman KEFAUVER. Do you know anything about that list?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You are ordered and directed to answer under penalty of being in contempt of the Senate.

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. Let the purported address book be made an exhibit.

Mr. Rubin, I want you to understand again that the members of this subcommittee do not intend to let you get by with your refusal to answer questions propounded to you here. Complaints have come to us, in correspondence, that you are one of the biggest operators in this despicable pornography field in the whole United States; that you have connections with people all over the country; that you have been in this business a long time. You seem not to have learned any lesson from this long list of arrests and convictions. It is unfortunate that you do not appreciate the damage that your kind of business is doing to the young people in this country.

I want to tell you again that we expect to do everything in our power to secure a contempt proceeding against you, unless you, at this time, want to answer questions and tell us what the subcommittee has a right to know—in other words, purge yourself of any possible contempt.

Do you have anything further you want to say?

Mr. RUBIN. I refuse to answer under the immunity provisions of the fifth amendment of the Constitution.

Chairman KEFAUVER. You remain under subpoena, and you will be hearing from this committee and other officials later on.

Mr. Shomer, will you come around?

TESTIMONY OF LOU SHOMER, BROOKLYN, N. Y.—Resumed

Mr. Shomer has been here. Mr. Chumbris, do you have anything else you want to ask him?

Mr. CHUMBRIS. Since you were on the stand the other day—

Chairman KEFAUVER. That was last Thursday.

Mr. CHUMBRIS. Last Thursday, to be exact, we have received some additional information that we would like to have your comment on. I believe you testified that you are in the real estate business at this time?

Mr. SHOMER. Yes, sir.

Mr. CHUMBRIS. How long have you been in the real estate business?

Mr. SHOMER. About 2 months.

Mr. CHUMBRIS. I believe you testified that you have no further interest in pornographic matters: is that correct?

Mr. SHOMER. Repeat the question.

Chairman KEFAUVER. He wants to know if you have any further connection with any pornographic literature business.

Mr. SHOMER. No, sir.

Chairman KEFAUVER. Is your answer "No"?

Mr. SHOMER. No, sir.

Chairman KEFAUVER. Are you answering the question?

Mr. SHOMER. I am answering "No."

Mr. CHUMBRIS. Mr. Shomer, from our investigation, it reveals that last year you traveled by automobile to the State of New York, Port Chester, to be exact, and at Port Chester, at a Safeway store, at the parking lot, transferred some pornographic material in large quantities to another person.

Is that true or false?

Mr. SHOMER. That is false. I have never been to Port Chester. I don't even know where it is.

Mr. CHUMBRIS. That statement that I just made, then, in your opinion, is false; is that correct?

Mr. SHOMER. I have never been in Port Chester.

Chairman KEFAUVER. Or any place around there?

Mr. SHOMER. I don't know the area.

Mr. CHUMBRIS. Mr. Shomer, did you ever make any transfer of pornographic material in any parking lot of a grocery store or a drug store?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. And any information that you have done such is false; is that your statement?

Mr. SHOMER. Yes, sir.

Mr. CHUMBRIS. Mr. Shomer, do you know Edgar Maynard Levy?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. You do not?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Do you know of one Edgar Maynard Levy, who lives on Tinker Drive, Long Island, now living in Washington, D. C.?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Do you know anyone on Tinker Drive in Long Island?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Mr. Shomer, have you ever done any business with Eddie Mishkin?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Have you ever done any business with Al. Stone?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Alias Abraham Rubin?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Were you here when the witness prior to you testified?

Mr. SHOMER. Yes, sir.

Mr. CHUMBRIS. Do you know that person?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. You have never seen him before?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Let the record indicate that the witness previous to Mr. Shomer was Al. Stone, alias Abraham Rubin.

Mr. Shomer, do you know George Fodor, of Washington, D. C., and St. Petersburg, Fla.?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Were you present last Thursday when Mr. George Fodor was here on the witness stand?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. You were not present?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Do you know Mr. Ike Dorman, of Baltimore, Md.?

Mr. SHOMER. No, sir.

Mr. CHUMBRIS. Do you have any knowledge of George Fodor and Ike Dorman coming from Baltimore to New York City?

Chairman KEFAUVER. Anything else, Mr. Chumbris?

Mr. CHUMBRIS. Mr. A. M. Shapiro. Has Mr. A. M. Shapiro come in?

(There was no response.)

Chairman KEFAUVER. Mr. Shapiro has not turned up. We will recommend that he be held in contempt for not obeying the subpoena of the subcommittee.

Senator LANGER. I so move, Mr. Chairman.

Chairman KEFAUVER. Without objection, it is so ordered and that will be the recommendation of the whole subcommittee.

I think I have already ordered the subpoena and the return to be made a part of the record as an exhibit.

(The subpoena and the return were marked "Exhibit No. 26," and are as follows:)

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To AARON MOSES SHAPIRO,

40 East 23d Street, New York City, Greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Subcommittee To Investigate Juvenile Delinquency of the Senate of the United States, on May 24, 1955, at 10 o'clock a. m., at their committee room 104, United States Court House, Foley Square, New York, N. Y., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you copies of your State and Federal income tax returns for the years 1950 to 1954, inclusive; records of your business, including bank books, bank statements, check books and check stubs, profit and loss statements, statements of assets and liabilities, and all documents reflecting your interest in property, real, personal or mixed.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To U. S. Marshal, Southern District of New York, to serve and return.

Given under my hand, by order of the committee, this 19th day of May, in the year of our Lord one thousand nine hundred and fifty-five.

ESTES KEFAUVER,

Chairman, Subcommittee To Investigate Juvenile Delinquency.

Received this writ at New York, N. Y., on May 19, 1955, and on May 19, 1955, at 40 East 23d Street, New York, N. Y., I served it on the within-named Aaron Moses Shapiro by leaving a copy thereof or a subpoena ticket with him.

THOMAS J. LUNNEY,

United States Marshal, Southern District of New York.

By JAMES GUPP,

Deputy United States Marshal, Southern District of New York.

Chairman KEFAUVER. I may say as to Mr. Shapiro that there is a possibility there has been some mixup in the notice getting to his lawyer, but he will either testify or we will have contempt proceedings brought against him. If there is a mixup, he will be given a chance to testify later.

Is there anybody else?

Mr. CHUMBRIS. Joseph Piccarelli.

(There was no response.)

Chairman KEFAUVER. Let the subpoena be put in the record. We will ask that he be held in contempt for failure to appear.

Senator LANGER. I so move, Mr. Chairman.

Chairman KEFAUVER. Without objection, it is so ordered.

(The subpoena was marked "Exhibit No. 27," and is as follows:)

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To JOSEPH PICCARELLIE,

119-18 178 Place, St. Albans, N. Y., Greetings:

Pursuant to lawful authority, you are hereby commanded to appear before the Subcommittee To Investigate Juvenile Delinquency of the Senate of the United States, on May 23, 1955, at 10 o'clock a. m., at their committee room 104, United States Courthouse, Foley Square, New York, N. Y., then and there to testify what you may know relative to the subject matters under consideration by said committee.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To United States marshal, Eastern District of New York, to serve and return.

Given under my hand, by order of the committee, this 19th day of May, in the year of our Lord one thousand nine hundred and fifty-five.

ESTES KEFAUVER,

Chairman, Subcommittee To Investigate Juvenile Delinquency.

Chairman KEFAUVER. Senator Langer, do you have any comments you wish to make before we bring our hearings to a conclusion?

Senator LANGER. I have nothing to say, Mr. Chairman.

Chairman KEFAUVER. I want to state briefly for the record a few observations.

The subcommittee last year held some hearings into the operation, publishing, and distribution of pornographic literature, films—things of that sort.

This year we have received a great many complaints from parents and from young people themselves, police officers, of the increased amount of pornography that is being distributed around, getting into the hands of young people, teen-agers, many of whom are in school. These letters indicate the damaging effect and the degrading effect that they have.

We have talked with a number of experts in the field; they have confirmed the fact that it is a contributing factor, and a substantial one, in the increase of the number of sex crimes and the increase of juvenile delinquency.

So that the staff has made this investigation, and I think they have done a very fine job in getting such information as they could.

We came here to New York not because New York is any worse than any other city. As a matter of fact, many public officials here and private people have done much to eliminate the extent of pornography in New York, for which they deserve commendation.

Some of these groups, as the evidence shows, do do business here. This is a port of entry, and the place for bringing all of our witnesses together in one place, and we thought this would be the proper place for this hearing.

The hearings showed, first, the effect of all this material on the young people by a psychiatrist, a criminologist, and by people who are familiar with dealing with young people.

The public generally does not understand the extent of this business. I think the hearings have shown that it is big business—our investigation does—that the operation in it is extensive.

We have not in this hearing gone into the fringe cases, to any extent, of literature which many people claim is also damaging, because we have not wanted to get into any dispute about censorship.

We have found that while the use of the mails is prohibited, even the mail statute is insufficient; that it is carried in automobiles and other methods of conveyance in interstate commerce, and there is a definite loophole here that should be plugged. Also the customs laws, as we have found, are inadequate, and we hope to strengthen them to prevent this stuff from being imported from other countries.

We will take into consideration other recommendations such as those made by Mr. Norman Thomas in his appearance here—the recommendations for the confiscation of the vehicle in which the material may be transported and other material in connection with it, such as the projectors and the cameras, where films are used.

Unquestionably, pornography is one of the contributing factors to the increase in juvenile delinquency and sex crimes in the United States. We have been derelict at all levels of government in our vigor in dealing with them. Local communities have done much; they could do more. States have started to improve their enforcement and their statutes. I think the Federal Government has perhaps been more derelict than any other level of government in not bringing our laws up to date.

We mean this subcommittee to try to see to it that the Federal Government does its part. That is why we have had these hearings, and we think they have been very important hearings.

We hope that law-enforcement agencies and all other levels of government will do their part.

We have information which will be helpful, which has been brought out in this hearing, to law-enforcement officers and other sections. Our staff and our subcommittee are ready to cooperate with them.

We are glad to see some healthy developments in better enforcement at the State level. We hope that they will more adequately do their part.

I am impressed, though, in the final analysis, that citizen and parent interest, public interest in the problem, is the surest way of eliminating this evil. Public interest not only will bring about law enforcement and remedial legislation, but it will bring about affirmative action at the community level. In communities where they have banded together, like Jersey City and Boston, many other places, they have been able to stop this filth from circulating.

I feel and I hope that this will be coming about; that in communities throughout the United States—partly, at least as a result of these hearings—we are going to see a lot of activity at the local level.

I want to again thank the judges, Judge Clarke and Judge Bondy, and the wonderful superintendent and staff of the Federal courthouse, Mr. Carmichael from the district attorney's office, who has been sitting in, and many others, for their cooperation and assistance to us.

Our hearings have been a little bit disrupted from time to time, and the press has been very patient and has stayed with us.

We will write letters to the Department of Justice, the Attorney General, commending the many marshals who have helped us, who have served the subpoenas, and who have looked after the courtroom.

I think I should announce that the subcommittee will have a further hearing later on in New York, at which time some of the fine efforts being made by the public officials and the people, churches, schools, and commissions and groups to combat juvenile delinquency, to give our children a better opportunity, to make parents more aware of their responsibility will be gone into.

There will be other problems that will be brought out in the hearings which we will hold later on in New York.

Mr. Gaughan, our assistant counsel, has been arranging for these hearings, and he will be the acting counsel to present them.

I don't know the exact time we will have our hearings; that will be announced later on.

Other hearings in connection with pornographic material—or other evidence in connection with it—will be brought out in hearings in other parts of the country, particularly in our Los Angeles hearings—not operations in Los Angeles, because they have been quite diligent there, but Los Angeles will be the center of our hearings in the West just as New York has been here.

The district attorney here will be furnished a copy of the record for any possible perjury, and we will be calling upon the district attorney, we hope, for cooperation in connection with these contempt cases.

I have already indicated the ones that Senator Langer and I will recommend to the Senate to be held for contempt.

With that, this hearing will now be recessed subject to further call of the chairman.

(Whereupon, at 5:20 p. m. the hearing recessed, subject to the further call of the chairman.)

JUVENILE DELINQUENCY

(Obscene and Pornographic Materials)

THURSDAY, JUNE 9, 1955

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY
TO INVESTIGATE JUVENILE DELINQUENCY,
Washington, D. C.

The subcommittee met, pursuant to notice, at 1:30 p. m., in room 457, Senate Office Building, Senator William Langer presiding.

Present: Senator Langer (presiding).

Also present: James H. Bobo, chief counsel; Peter N. Chumbris, associate counsel; Vincent Gaughan, special counsel; and Edward Lee McLean, editorial director.

Senator LANGER. The meeting will come to order.

This is a continuation of the Subcommittee on Juvenile Delinquency, dealing with pornographic literature and any other matters that may involve juvenile delinquency.

Will you proceed, Mr. Chumbris?

Mr. CHUMBRIS. I have an opening statement, Senator.

Senator LANGER. Read it.

Mr. CHUMBRIS. This afternoon the United States Senate Subcommittee To Investigate Juvenile Delinquency is holding its fourth public hearing on obscene, lewd, and pornographic materials and its impact on youth and juvenile delinquency.

The public hearings in New York City established the following: (1) The nationwide traffic in the manufacture, distribution, and sale of obscene, lewd, and pornographic material; (2) that obscene and pornographic material reaches the youth and children of our Nation; (3) that juveniles are induced to pose as models in such insidious filth; (4) that juveniles are induced to sell and distribute such filth to their friends and classmates; (5) that obscene and pornographic material has a direct impact on juvenile delinquency; (6) that psychiatric testimony established the types of delinquencies and perverted activities that obscene, lewd, and pornographic material can lead juveniles into; (7) that the traffic in pornography is a multi-million-dollar business; and (8) that there is a need for corrective legislation on the Federal, State, and local level to prohibit the distribution of pornographic material by mail, by common carrier, and by private conveyance. The first two methods of distribution are now violative of Federal law; however, amendments to those laws are necessary to close the loopholes.

The Senate Juvenile Delinquency Subcommittee has reported out Senate bill 599, which prohibits the transportation in interstate com-

merce of obscene material. It was favorably passed by the Senate and, during the course of these hearings, was favorably reported by the House Judiciary Committee and yesterday was passed by the House of Representatives.

Today we shall hear the attorney general of the State of North Dakota, Leslie Burgum, who will testify as to the recent legislation in the State of North Dakota which is effective in curtailing the manufacture and distribution of pornography.

Also, Mr. William C. O'Brien and Mr. Harry J. Simon of the United States Post Office Department will explain the procedures of the Post Office Department in curbing the distribution by mail of pornographic material and some of the problems that confront the Post Office Department.

A fourth witness will be Inspector Roy Blick, who testified in the New York hearings on the national picture but will present additional material that has occurred since the hearings in New York. He will also point out how effective law enforcement, through coordination of Federal and local officials, can bring results in apprehending producers, distributors, and sellers of pornography.

Since the hearings in New York, the subcommittee has been advised that two distributors of pornography have been apprehended through coordination of the subcommittee and the peace officers of the respective areas. Further details on these two matters will be brought out in future hearings.

It is gratifying to the subcommittee that the press, the radio, television, public officials, church leaders, civic leaders, and the very parents themselves all over the country have strongly backed the subcommittee's efforts on this drive against pornography and have urged the subcommittee to greater effort to clean up the traffic that has contaminated and will contaminate the minds of our youth and lead them into possible delinquencies. The subcommittee is dedicated to do everything in its power to protect the youth of the Nation from this insidious filth.

Senator LANGER. Call your first witness.

Mr. CHUMBRIS. The first witness will be Inspector Blick.

Senator LANGER. Do you solemnly swear that the evidence you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BLICK. I do.

TESTIMONY OF ROY BLICK, INSPECTOR, METROPOLITAN POLICE DEPARTMENT, WASHINGTON, D. C.

Senator LANGER. You may proceed.

Mr. CHUMBRIS. Mr. Blick, would you please state your official title?

Mr. BLICK. Inspector, Metroploitan Police Department.

Mr. CHUMBRIS. And what division do you have?

Mr. BLICK. Sex and perversion.

Mr. CHUMBRIS. Mr. Blick, you testified in New York City last week; is that right?

Mr. BLICK. I did. Week before last, I believe.

Mr. CHUMBRIS. And since that time, Mr. Blick, have you had occasion to make an arrest of a distributor of pornography?

Mr. BLICK. I have.

Mr. CHUMBRIS. And would you please explain at this time the manner of the arrest, and the person involved, and the modus operandi?

Mr. BLICK. Back in November of 1954, I had received confidential information that a man by the name of Alfred Peter Selmer, from Nanticoke, Pa., was bringing pornographic material, films, into the District of Columbia, or carrying them through the District of Columbia.

On 2 or 3 occasions I had information that he was coming to the District of Columbia, but we did not locate the gentleman. Yesterday I received the same information, that he was entering the District of Columbia, and I sent a lookout over the radio for a green Packard bearing Pennsylvania tags, driven by Alfred Peter Selmer, white, 5 feet 9½ inches, 172 pounds, blond hair, husky build.

Mr. CHUMBRIS. For the record, would you spell his last name?

Mr. BLICK. S-e-l-m-e-r. In about 45 minutes scout 83, driven by Officer Campbell—and I forget the other officer's name—notified me by phone that they had apprehended the automobile, and it was in No. 8 precinct.

I went out there, and on the back seat of the automobile was 14 reels of film, 8 reels of positive, 6 reels of negative, about 10,000 feet of film altogether. Now, the positive films are to make duplications of films.

And he was on his way to some place—would not divulge where he was going—to have 80,000 feet of film made from the positive film.

He was photographed, fingerprinted, and taken over. Due to the way the law is written today, we had no proof that he had them in his possession to show or to exhibit.

Mr. CHUMBRIS. Mr. Blick, may I ask you a question at this point: Where was Selmer from?

Mr. BLICK. Nanticoke, Pa.

Mr. CHUMBRIS. Do you wish to proceed?

Mr. BLICK. He was brought back to my office, and I made him put up a \$300 bond. This morning he didn't show up in court. A cash bond.

Mr. CHUMBRIS. Was it a forfeiture?

Mr. BLICK. It was forfeited by the presiding judge that was on the bench.

Mr. CHUMBRIS. And can you state what the official charge against him was?

Mr. BLICK. I charged him with possession of pornographic films.

Mr. CHUMBRIS. So there won't be any mistake of what pornographic films mean, would you please define what you consider pornographic films to be?

Mr. BLICK. Male and female sexual relations, abnormal or cohabiting, in the nude.

Mr. CHUMBRIS. And have you examined this particular film that was picked up?

Mr. BLICK. One reel in his presence, to make definitely sure that it was obscene and indecent.

Mr. CHUMBRIS. And did that film have any specific description or name?

Mr. BLICK. It was called The Kinsey Report.

Mr. CHUMBRIS. How long have you been with the vice squad?

Mr. BLICK. Twenty-four years.

Mr. CHUMBRIS. And you have had great experience in indecent and obscene films and pornographic material; is that correct?

Mr. BLICK. I have.

Mr. CHUMBRIS. And you would be in a position to testify as to whether this particular film you saw was pornographic or not?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. In your opinion, was this film that you received definitely pornographic film?

Mr. BLICK. It was filth.

Mr. CHUMBRIS. Could you tell from the film whether it was of recent origin or an old film?

Mr. BLICK. It would have to be of recent origin, for one reason: The Kinsey report has only been out recently; and all of the films were new films, because I had to rewind them on reels.

Mr. CHUMBRIS. And this one particular film, what would the footage be on that film?

Mr. BLICK. 400.

Mr. CHUMBRIS. 400 feet. I understand that your entire seizure was how many feet?

Mr. BLICK. Close to 10,000.

Mr. CHUMBRIS. 10,000 feet. You mentioned the 80,000 feet of film made.

Could you explain that further?

Mr. BLICK. He was going to take the positive film to have duplications of what he had. The positive film makes negative film.

Mr. CHUMBRIS. All right, sir.

For the record, will you please explain the procedure usually followed by these persons in first making a negative, then a positive, and then another negative; will you please explain that procedure?

Mr. BLICK. There is only one positive that is made, unless someone is stealing the film themselves. Then from the positives you make all the negatives you wish.

Mr. CHUMBRIS. And that goes on so that the production is almost unlimited?

Mr. BLICK. You can make a billion feet of film all from one positive if you wish to do so.

Mr. CHUMBRIS. Now, this person Selmer: has he ever been prosecuted and convicted of any type of pornographic activity previous to this offense?

Mr. BLICK. Not to my knowledge. He stated that he was doing this for a friend of his up in Wilkes-Barre, Pa.

Mr. CHUMBRIS. And would you please give the name and the address of that person?

Mr. BLICK. Chester Wesensky.

Mr. CHUMBRIS. And the address.

Mr. BLICK. He runs the Big Chief Store in Wilkes-Barre, Pa.

He further stated—upon his person he had \$1,485 on him, and he stated that was the money to have the films made from the positive prints.

Mr. CHUMBRIS. Did he have a little black book, or name and address book on him?

Mr. BLICK. He had two.

Mr. CHUMBRIS. And were you able to obtain some of the names and addresses from those two books?

Mr. BLICK. I glanced through the book, but I have been so busy I haven't had a chance to analyze the book like I would like to.

Mr. CHUMBRIS. Now, from your glancing through the book and from the known distributors and producers of pornography throughout the United States that you know of your own knowledge and that came out in our hearings in New York, did you recognize any of the names and addresses of those persons in those two books?

Mr. BLICK. Not connected with the factions up there; no, sir. This seems to be another outfit.

Mr. CHUMBRIS. Now, may I ask you this, that when you make a more detailed study of those two books, would you please submit to the subcommittee the names and addresses from those two books?

Mr. BLICK. I will be glad to.

Mr. CHUMBRIS. Did he say where he was going from Washington?

Mr. BLICK. He did not.

Mr. CHUMBRIS. Did he say where he had been, other than from his home town?

Mr. BLICK. He had left that morning on his way to wherever he was going.

Mr. CHUMBRIS. And he wouldn't tell you where he was going?

Mr. BLICK. No, sir.

Mr. CHUMBRIS. Now, as far as this man's particular case is concerned, he forfeited the bond; is that correct?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. And do you consider any further action against this particular person at this time?

Mr. BLICK. Only a misdemeanor; that is all we can hope for.

Mr. CHUMBRIS. Now, this Chester Wesensky, of the Big Chief Store, in Wilkes-Barre, Pa., have you had any previous knowledge as to his operations?

Mr. BLICK. I had not. He has a brother, under another name of Stanley Wayne. Stanley Wayne is supposed to be the brother of Chester, and he also goes under the name of Stanley Wesensky.

Mr. CHUMBRIS. And you know of his operations?

Mr. BLICK. Yes; I understand he is a big operator.

Mr. CHUMBRIS. Now, do you have any approximation of the value of the merchandise that was taken from Selmer yesterday?

Mr. BLICK. It is according to who wants it. To me it would be worth 5 cents. To the ones that want it, to get the positive film, they would pay a large price for it. But the negative films sells for \$25 on up, for 100 feet.

Mr. CHUMBRIS. \$25 for 100 feet?

Mr. BLICK. On up.

Mr. CHUMBRIS. On up. Inspector, I would like to ask you a few other questions, supplementing the testimony that you gave in New York that there were 34 cases in the past 2 years involving pornographic activities that came to the attention of your office; is that right?

Mr. BLICK. That is correct.

Mr. CHUMBRIS. Now, I would like to ask you specifically of one case where a person was apprehended between Sixth and Seventh Streets, on Pennsylvania Avenue SE., in a second-story apartment.

Do you recall that case?

Mr. BLICK. I do. I was on the raid.

Mr. CHUMBRIS. And would you please explain to us—first, isn't it a fact in that particular case and the one across the way in Alexandria, Va., involving the same person, that a juvenile was involved?

Mr. BLICK. Yes.

Mr. CHUMBRIS. And would you explain the nature of that man's activity and what he was caught doing?

Mr. BLICK. Him and his partner—and his partner was an innocent victim, he had no knowledge of what was going on, on the second floor—

Mr. CHUMBRIS. First, would you give his name, for the record?

Senator LANGER. Wait a minute. If that partner is innocent, we don't want to use him.

Mr. CHUMBRIS. Not the partner. The person we are talking about. Is it Borgard?

Mr. BLICK. That is right.

Mr. CHUMBRIS. Would you please explain, then, what this person was involved in doing, and the action you took?

Mr. BLICK. I think the best thing to do is to tell you how I came in touch with him.

Mr. CHUMBRIS. Yes.

Mr. BLICK. I had a young lady come to my office and she stated that she had been a fool, she had a couple of drinks too many, and she had had picture taken in the nude, over this radio shop. She asked for the pictures, and they stated that the pictures didn't turn out.

I talked to her for a long time, and she stated that is all it was.

Upon her statement, we got a search warrant for the premises and went up there and searched the place. We found the young lady's picture more than in the nude. I also found out that this man had a trailer over in Alexandria, and I got in touch with the Alexandria police immediately and told them the trailer number, and they went over, and I believe they got a suitcase full of pornography or pornographic material.

Mr. CHUMBRIS. Inspector, may I inject at this time that the person's name—I mentioned the name of Borgard, Marion Virgil Borgard. I show you his picture. Is that the person that you are discussing at this particular time?

Mr. BLICK. I think it is; yes.

Mr. CHUMBRIS. Would you read into the record the identifying features that are imprinted in the mug that you have there of him?

Mr. BLICK. P. D. No. 143191, taken August 10, 1954. Charged with possession, with intent to exhibit obscene pictures, Fochet, M. D., 35 years old, 5 feet 10, 162 pounds, medium build, blue eyes, medium complexion, brown hair, good teeth, small flesh-colored mole left temple. Born in Chuluota, Fla. Address 22719 Temple, Trailer Village.

Mr. CHUMBRIS. Before I injected the name, were you through giving your participation in the raid?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. And there was also a raid in Alexandria; is that correct?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. And the Alexandria Police Department not only obtained suitcases full of obscene material, but they impounded his trailer, as well as some of his equipment; is that correct?

Mr. BLICK. That I don't know.

Mr. CHUMBRIS. Do you know of your own knowledge whether after the matter was disposed of in court, they returned his equipment and the trailer?

Mr. BLICK. The equipment that we had was returned to him.

Mr. CHUMBRIS. Why was the equipment that you had returned to him?

Mr. BLICK. By order of the court. There is no law to hold the equipment or to confiscate the equipment.

Mr. CHUMBRIS. Now, Inspector Blick, I understand that you have been vitally interested in having such a law introduced in the Congress and passed by the Congress of the United States; is that correct?

Mr. BLICK. I have.

Mr. CHUMBRIS. And if such a law were passed, would that be an effective means in curtailing the production and manufacturing of this obscene material?

Mr. BLICK. Very much so.

Mr. CHUMBRIS. Would you please explain, in a few words, how it would curtail it?

Mr. BLICK. Well, when you seize a sound-projection machine—it sells for anywhere from \$450 to \$1,100. And the other equipment that goes with it for the projection, you might have \$1,400 invested in the projection equipment alone. The film, you have 1,600 feet of film that would be shown; it would cost you, if you know how to get it, about \$100 or \$125. For a stag affair, you could get anywhere from \$2.50 to \$8 admission charge. \$3.50, and 150 people there—100 people, I should say, to make it easy for me—that would be \$350 that would be taken in, and the cost of the film would be \$125. That would be \$225 profit.

Now, if the police walked in, he could be fined anywhere from \$50 to \$500 on a misdemeanor charge. And what other material that we would seize, the projection machine, chairs, and whatnot, the owners could come and claim them, and we would have to return same to them. We would retain the film only.

Mr. CHUMBRIS. Now, when you were referring to a stag party—your testimony in New York referred to a particular stag party where there were boys from 11 to 17, 197 of them, to be exact; is that correct?

Mr. BLICK. I believe that was the figure; yes.

Mr. CHUMBRIS. And these stag parties are affecting juveniles as well as adults; isn't that correct?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. Now, getting back to these girls who pose for people, like Borgard that you mentioned, would you explain within your own knowledge the method of operations of persons like Borgard who take these juvenile pictures, these indecent and lewd pictures, and nude pictures?

Mr. BLICK. Now, Mr. Chumbris, I will not explain Borgard, or take any particular one, because—

Mr. CHUMBRIS. Take any one. Their usual method of operation.

Mr. BLICK. But there are quite a few people that will go ahead and pose in the nude, or cohabit with the opposite sex, or put on an act of perversion, and when they get home they will think about it, and then they will go back and say to the photographer, "I made a fool of myself; I want my negative and the pictures."

And the photographer says, "Look, it didn't come out."

And, of course, that satisfies the mind of the individual.

And those pictures, the negatives, there can be thousands and thousands of pictures taken from the negatives and sold in other parts of the country unbeknown to that individual who had her picture or his picture taken.

Mr. CHUMBRIS. So there won't be any mistake in the record, when you say "it didn't come out," it means that the negative didn't take satisfactorily enough so that any pictures could be reproduced from it?

Mr. BLICK. That was his reason, but the negative was perfect.

Mr. CHUMBRIS. Always the negative was perfect, and the girl went away thinking that the picture was destroyed, but instead it was distributed throughout the country; is that correct?

Mr. BLICK. Yes, sir. I have around five or six hundred of those in my possession in the suitcase.

Mr. CHUMBRIS. Now, is that a common practice with these types of pictures?

Mr. BLICK. I would say "Yes."

Mr. CHUMBRIS. Now, directing your attention to nude pictures taken by photographers of young girls, wasn't there a recent case in the District of Columbia, last year, around July 9, 1954?

Mr. BLICK. Are you speaking about the Chucosky case?

Mr. CHUMBRIS. I am referring now particularly to the Murry Levy case at 2 Thomas Circle.

Mr. BLICK. Yes, that is the 17-year-old girl.

Mr. CHUMBRIS. Would you please explain that for the record, whatever facts you have at your command?

Mr. BLICK. The only facts that I have is that the picture was taken. By whom, I don't know.

Mr. CHUMBRIS. You don't know who took the picture?

Mr. BLICK. No, sir.

Mr. CHUMBRIS. Who was apprehended for that?

Mr. BLICK. I believe his name was Murry Levy.

Mr. CHUMBRIS. And was his address 2 Thomas Circle NW?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. And about this other case you were just mentioning before I brought up the name of Murry Levy, the Chucosky case, would you please explain to us that case?

Mr. BLICK. That was where a man was taking pictures of his wife in the nude, and the children watching it, actual perversion that Mrs. Chucosky was performing on herself.

Mr. CHUMBRIS. Would you get the correct spelling of that name, if you have it with you?

Mr. BLICK. You have it on there.

Mr. CHUMBRIS. On this particular exhibit?

Mr. BLICK. I think so.

Mr. CHUMBRIS. Would you please look at it and see if you can pick it out of that group?

Is that also the same case where there was a card index of 600 negatives?

Mr. BLICK. Those were the negatives I was speaking to you about. It is C-h-u-c-o-s-k-y.

Mr. CHUMBRIS. The full name and the address.

Mr. BLICK. Vincent W. is the man's name. The address was 607 Fourth Street NW, apartment 1. He was charged with sale and possession of indecent and obscene pictures.

Along with him was a George Fodor, who was a wholesaler in the city.

Mr. CHUMBRIS. I think George Fodor was a witness in the hearings in New York City; is that correct?

Mr. BLICK. I saw him up there. I did not hear him testify.

Mr. CHUMBRIS. He was a wholesaler of pornography; is that correct?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. And I believe Fodor testified that he is now living in Florida.

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. Now, the person that you just mentioned, do you know whether they still live at the same address that you just gave?

Mr. BLICK. They do not.

Mr. CHUMBRIS. They have moved; is that correct?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. Do you know the present address?

Mr. BLICK. I have heard—I don't know whether this is authentic or not.

Senator LANGER. We do not want the address used. The people have left there and it might be embarrassing to the present occupants of that locality.

Mr. CHUMBRIS. Do you have anything further on this particular case, Inspector, that you would like to state to the subcommittee at this time?

Mr. BLICK. No.

Mr. CHUMBRIS. Do you have a card index with you?

Mr. BLICK. I do.

Mr. CHUMBRIS. And would you please present them to the chairman with the various categories that are listed?

Mr. BLICK. The first one are girls performing fellatio—but that is not the way it is written here.

The second one, men performing cunnilinguism—of course, that is not the way it is written here, either.

The fourth section, sexual relations.

Mr. CHUMBRIS. These are negatives in these various categories; is that right?

Mr. BLICK. Yes, you can make a hundred thousand prints off of one of them.

Mr. CHUMBRIS. In other words, a person could take that negative and make a hundred thousand prints; is that right?

Mr. BLICK. Yes, sir; and still make more.

Mr. CHUMBRIS. And you have 600 in there.

Mr. BLICK. Approximately. I have never sat down to count them.

Mr. CHUMBRIS. Do you have anything on bestiality?

Mr. BLICK. Sadistic bestiality, yes. I have any type of perversion that you wish.

Mr. CHUMBRIS. Now, Inspector, getting back to this confiscation of equipment, isn't it true that sometimes the police department loses money on the fact that the time and the preparation of confiscating

this equipment, when you make raids such as this, is large in comparison to the penalty that is imposed on the offender?

Mr. BLICK. Many times, for this reason: Some of this equipment is not so easy to handle, and man can hurt himself taking this out and putting it in the wagon and then taking it out and marking it and taking care of it as he should to protect the property as long as it is in the custody of the police department, and then to have it turned back, and we keep nothing but the film that has to be destroyed by a bonfire.

Mr. CHUMBRIS. Then you, in your opinion, would definitely recommend that the law in the District of Columbia be amended so that the property can be impounded, confiscated, and not returned to the offender; is that correct?

Mr. BLICK. Absolutely.

Mr. CHUMBRIS. Now, what is your opinion as to the severity of the penalties for these various offenses in the District of Columbia as a deterrent to future criminal activity by these people? Do you think the penalties are severe enough?

Mr. BLICK. I do not.

Mr. CHUMBRIS. And would you comment on that, please?

Mr. BLICK. Well, when you can make such an amount of money as the average run of these people make on this material that they sell, and they work their own hours, and ride around in beautiful cars, and the penalty is anywhere from \$100 to \$500 fine, or a year in jail, they are willing to take chances on it.

Mr. CHUMBRIS. Now, I have noticed this exhibit that you have presented to us. You may refer to it, if you so please. You have one in front of you.

Just give us an idea of the nature of the disposition of some of those cases, the amount of the fine, or the jail sentence that is given.

Mr. BLICK. \$250 or 90 days; \$100 or 60 days; nol-prossed; nol-prossed; nol-prossed; \$100 or 60 days; \$100 or 60 days; not guilty; nol-prossed; \$100 or 90 days; \$100 or 90 days.

Mr. CHUMBRIS. Then, in both of those instances, the fines, in your estimation, are light in comparison to the nature of the offense; is that correct?

Mr. BLICK. To my belief it is. Very much so.

Mr. CHUMBRIS. I believe you testified in New York that you think a person who sells and distributes pornographic material to a juvenile is doing a more harmful act than if he were selling or distributing narcotics.

Would you like to comment on that?

Mr. BLICK. I stated in New York, if my memory serves me right, that pornography was worse than narcotics.

Mr. CHUMBRIS. And the reason?

Mr. BLICK. The reason why would be this: That if an individual had one capsule of narcotics, he would use it and no one could take it after him. With these pamphlets, these pictures, and whatnot, they can be passed around from one person to another and 500 or a thousand can see the same booklet over a period of time.

Mr. CHUMBRIS. Therefore, since pornography affects so many, that makes it much more effective?

Mr. BLICK. Yes, sir. They are getting so bold that, as long as we are talking about it, I would like to show 2 or 3 of the latest ones that are out.

Mr. CHUMBRIS. Yes, sir. Would you please exhibit them to the chairman?

Senator LANGER. These are the very latest ones, are they, Inspector?

Mr. BLICK. Yes, sir. These are the latest pictures that are being sold to the public today. You can see they have gone from black and white into color. You can see the idea. This young lady here—I don't believe she is over 18 or 19, is she?

Mr. CHUMBRIS. Inspector, I believe some of the witnesses in New York testified that the sentences and fines imposed are so light that they don't even amount to a license fee; is that correct?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. In the raid that the 196 boys were involved in, how many men did you use on that raid?

Mr. BLICK. I could be mistaken, but I think it was close to around 30. I could be mistaken, because I used everybody that I could get my hands on.

Mr. CHUMBRIS. For that particular raid alone, what cost would you say it was to the city of Washington, D. C., to apprehend that one person, for those involved for the stag party?

Mr. BLICK. Of all the work and everything, including the time of building the job up, I would say close to \$1,200 easily.

Mr. CHUMBRIS. And what was the fine the person who plead guilty received?

Mr. BLICK. I would have to refer to the records, because I think it was——

Mr. CHUMBRIS. Would \$200 sound like the correct fine?

Mr. BLICK. No, sir. It was around \$100 or 60 days.

Mr. CHUMBRIS. \$100 or 60 days. And it cost you over \$1,200.

Mr. BLICK. If you want to consider our time that was consumed.

Mr. CHUMBRIS. And that doesn't involve the judicial processes involved, also, the cost for judicial processes?

Mr. BLICK. I am just speaking about the police department.

Mr. CHUMBRIS. Now, in the taking of these nude pictures of some of these young girls, was a promise made to them that they would be used for calendars and post cards, and things like that, legitimate ones?

Mr. BLICK. That I cannot answer, Mr. Chumbris, because I don't know.

Mr. CHUMBRIS. Inspector, could you state how many of these 2-by-4 booklets get into the high schools and junior high schools here in Washington? Have you made any specific survey on that?

Mr. BLICK. The only way that we can go on that would be just the complaints. Now, we had a complaint this week that a 17-year-old boy had gotten hold of some of this obscene and indecent material, and we talked to the boy last night. The only way that we can get hold of that is what comes to us through the parents, or the wonderful cooperation that we are receiving from the schools here in Washington.

Mr. CHUMBRIS. Now, Inspector, were you in New York when we read the comments from the various chiefs of police throughout the Nation as to the amount of pornography that is being sold and the

amount that is getting to the children? Were you there at that time?

Mr. BLICK. I don't believe I was in the room at that time.

Mr. CHUMBRIS. While we read into the record numerous replies from chiefs of police to indicate that pornography is getting to the children—as a matter of fact, in one instance, they were found on children in the elementary schools as well as junior high schools. And we received a letter this morning from the chief of police in one of our States in the country which pointed out that in about six schools they had a great amount of traffic in pornography, and they sent a picture to illustrate the type of material that is coming in, and that was some of the material that you are showing, and some of these 2-by-4's.

Would you please look at that picture and see if that is the type of pornographic material that gets around to the children in the schools?

Mr. BLICK. This, and worse.

Mr. CHUMBRIS. This, and worse?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. I would like to have that marked as an exhibit.

Senator LANGER. It will be so marked.

Mr. CHUMBRIS. We will mark this exhibit 28.

Senator LANGER. It will be made a part of the record.

(The photograph was marked "Exhibit No. 28," and is on file with the subcommittee.)

Mr. CHUMBRIS. Is there anything further that you would like to comment on, Inspector Blick?

How about some of these titles? Do you have any titles of the films themselves?

Mr. BLICK. Do you want me to read them off?

Mr. CHUMBRIS. I would leave that with the chairman.

Senator LANGER. You don't have to read them. Just file them.

Mr. CHUMBRIS. Just file the list of titles.

Mr. BLICK. I can't, because that is my receipt that I sent to the——

Mr. CHUMBRIS. I show you a mimeographed list that was picked off of the Simon Simring case in Orangeburg, S. C., that was mentioned in the New York City hearings, and so if some of these titles are similar to those that you have in your possession, we will file that for the record.

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. They are similar?

Mr. BLICK. Yes, sir.

Chairman KEFAUVER. That will be filed as an exhibit.

(The list of film titles in the possession of Simon Simring were marked "Exhibit No. 29," and are on file with the subcommittee.)

Mr. CHUMBRIS. I would like to ask you one other question: What was the value of the material that you impounded from George Fodor's place when you arrested him, in the last year or so?

Mr. BLICK. I think the record will show—I forget what I said.

Mr. CHUMBRIS. I think you did mention it in the New York hearing.

Mr. BLICK. Yes.

Mr. CHUMBRIS. And, as a matter of fact, I think you mentioned the fact that he had a cellar full of that material at his home; is that correct?

Mr. BLICK. That is correct.

Mr. CHUMBRIS. He operated out of his home; is that correct?

Mr. BLICK. Yes, sir.

Mr. CHUMBRIS. Now, as I understand your testimony—and I would like for you to repeat it—the law in the District of Columbia now as to the manufacture and distribution and sale of pornography is not as effective as it should be; is that correct?

Mr. BLICK. That is the way I feel about it; yes, sir.

Mr. CHUMBRIS. No further questions, Mr. Chairman?

Senator LANGER. I want to thank you again very much for your kindness in helping us out, Inspector, your kindness in New York, and taking time this afternoon.

Mr. BLICK. Yes, sir.

Senator LANGER. Mark this "Exhibit 30." It shows children 4, 6, and 10 years old.

Mr. CHUMBRIS. This will be exhibit No. 30.

(The photos of indecent acts by children were marked "Exhibit No. 30." and are on file with the subcommittee.)

Mr. CHUMBRIS. And this is definitely an obscene and lewd and pornographic picture; is that correct?

Mr. BLICK. I would say it is about the worst that a person could take.

Mr. CHUMBRIS. Thank you very much, again, Mr. Blick.

Senator LANGER. Inspector Blick, I appreciate very much your coming down.

Mr. CHUMBRIS. Solicitor O'Brien and Inspector Simon.

Senator LANGER. Do you solemnly swear that the evidence you are about to give in the pending matter shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. O'BRIEN. I do.

Mr. SIMON. I do.

TESTIMONY OF WILLIAM C. O'BRIEN, ASSISTANT SOLICITOR, POST OFFICE DEPARTMENT, ACCOMPANIED BY HARRY J. SIMON, INSPECTOR, POST OFFICE DEPARTMENT, WASHINGTON, D. C.

Senator LANGER. You may proceed.

Mr. CHUMBRIS. Mr. O'Brien, will you give us your full name and your address, and your official title, for the record?

Mr. O'BRIEN. My name is William C. O'Brien. I am Assistant Solicitor of the Post Office Department, in charge of Fraud and Mailability Division. Of course, my official address is Post Office Department, Washington, D. C. My home address is Chevy Chase, Md.

Mr. CHUMBRIS. And Mr. Simon, will you give your full name, address, and official title?

Senator LANGER. Just a moment.

You have had 43 years' experience in this, haven't you?

Mr. O'BRIEN. Just 41, sir.

Senator LANGER. That is your background, 41 years?

Mr. O'BRIEN. That is right, sir.

Mr. CHUMBRIS. Mr. Simon.

Mr. SIMON. Harry J. Simon, post office inspector. I am domiciled in Washington, D. C., in the Post Office Department Building, and reside in Washington, D. C.

Mr. CHUMBRIS. How long have you been in your present position?

Mr. SIMON. I have been with the Post Office Inspection Service since 1925, approximately 15 years as a post office inspector.

Mr. CHUMBRIS. And you are one of their experts, I understand, on testifying before congressional hearings; is that right?

Mr. SIMON. Not an expert, but a post office inspector who has been investigating cases of dealers in obscene and indecent matter in connection with the mails for 7 or 8 years.

Mr. CHUMBRIS. And you have testified previously before congressional committees?

Mr. SIMON. I have.

Mr. CHUMBRIS. I understand, Mr. O'Brien, that you have a statement that you would like to proceed with.

Mr. O'BRIEN. I have a general statement which I prepared, not knowing that you were going to examine witnesses by questions. But whichever way you wish to proceed, it will be all right with me.

Mr. CHUMBRIS. Mr. O'Brien, we are particularly interested in the legal procedure under which the Post Office Department operates in detecting and curbing pornographic, obscene, and lewd material from going through the mails, and whatever else is under your jurisdiction.

Mr. O'BRIEN. I may say at the outset that the Post Office Department is receiving a great many complaints from parents whose children have been the recipients of obscene advertising of various kinds. On the cardboards which have been brought in to the committee room and which are now being opened up by one of your assistants, we have attached samples of advertising matter which has been sent through the mails and complained about, and some copies of the letters from parents complaining about the advertisements exemplified on those boards, which were received by those children, some sent to very young children, and some sent to teen-agers.

The mailing volume of these advertisements is steadily growing. The volume of complaints we are receiving is steadily growing, and in my long experience, it has never heretofore been equaled in volume or as to the character of advertising.

The advertising is becoming more daring. It is already a menace in itself to public morals, and especially to the morals of children.

I think, in my judgment, the increase of this traffic is due to several principal factors.

One, I believe, is the ready availability of pornography in wholesale lots, made by such persons, I think, as Inspector Blick has talked about previously this afternoon, and the fact that an obscene dealer can go into business on a comparatively small capital—he needs only to begin to circularize advertisements; sometimes they are periodical advertisements of small size, and sometimes they are circular advertisements more ambitiously prepared, as you see on the board over there. And that one in the left-hand corner at the top is an example of one used by the Male Merchandise Mart in Hollywood. The advertisements which the man is just now putting up are advertisements of Samuel Roth. I think he appeared before you in New York briefly. And of other purveyors—

Senator LANGER. Both of them claimed the fifth amendment, didn't they, or did Roth testify?

Mr. O'BRIEN. Yes; he did.

Senator LANGER. And Klaw did?

Mr. O'BRIEN. Yes.

We have examples of Klaw's advertisements and various others: the Stag Shop, the Tourlances Publishing Co.—

Mr. CHUMBRIS. Mr. O'Brien, so that the record may be straight, the person you are referring to that sends out the material that is now on the board there is Samuel Roth, of New York; is that right? 110 Lafayette, New York; is that right, eighth floor?

Mr. O'BRIEN. That is correct, sir. We have issued numerous orders against various enterprises, but he is a very active man, and invents a new name for his business every time we issue an order against the one he is using.

Mr. CHUMBRIS. You are referring to Sam Roth?

Mr. O'BRIEN. Sam Roth.

Mr. CHUMBRIS. I would like to get that straight. You say he invents a new name every time you put a stop order against the old name?

Mr. O'BRIEN. That is right.

Mr. CHUMBRIS. Now, I believe he testified in New York that he had as many as 15 or 20 trade names registered with the county clerk in New York at one time.

Mr. O'BRIEN. I think that would be true.

Mr. CHUMBRIS. Do you know the size of Mr. Roth's mailing books and pamphlets, and also these circulars that go throughout the country to youngsters?

Mr. O'BRIEN. He came into my office first after he appeared before your committee in New York and told me he had a mailing list of 400,000 names.

Mr. CHUMBRIS. Did he tell you where he gets his mailing list from?

Mr. O'BRIEN. Well, he accumulates the mailing list by, I think, the random circularization of names he finds in various books, telephone directories, or what not.

Mr. CHUMBRIS. I think he did mention in his testimony that he bought over 100,000 name lists from one Mr. Vallon, in Brooklyn, N. Y.

Mr. O'BRIEN. They all buy these names.

Senator LANGER. 180,000?

Mr. CHUMBRIS. 180,000, to be exact.

Mr. O'BRIEN. As in the case of Samuel Roth, so in the case of other persons that we have had to deal with in the mail order business, the facility with which they can change names and also locations is quite a problem for our Department in dealing with these enterprises.

Mr. CHUMBRIS. That is one of your biggest headaches; isn't it, Mr. O'Brien?

Mr. O'BRIEN. One of our biggest headaches.

Mr. CHUMBRIS. What is the recommendation of the Department to correct that difficulty that you have?

Mr. O'BRIEN. The recommendation of the Department is incorporated, I think, in a bill which was introduced by Congressman Rees, of Kansas, H. R. 174. That bill would authorize the Post Office Department, the Postmaster General, to temporarily impound mail of companies whose sale of indecent literature through the mails is the subject of a proceeding.

Mr. CHUMBRIS. Mr. O'Brien, I think I would like to point out at this time that the Senate Juvenile Delinquency Subcommittee has voted to support a similar measure in the Senate of the United States, which will be introduced on Monday by the chairman, Senator Kefauver.

Mr. O'BRIEN. I am very happy to hear that, sir, and I know the Postmaster General will be gratified.

Senator LANGER. Now, in that measure, you remember in the New York hearings, we had a gentleman up there who had been convicted 6 or 7 times, and it seems that each time he got convicted, the fine he received was less. At that time we instructed the chief counsel to draw up a bill providing for a more severe penalty for the second offense and for the third offense.

Do you recall that?

Mr. CHUMBRIS. Yes, sir.

Senator LANGER. Has that bill been prepared for introduction?

Mr. CHUMBRIS. That bill has been prepared for introduction, and it will be ready within a few days.

Senator LANGER. We may adjourn by the 15th of July, you know.

Mr. CHUMBRIS. We will have it in next week.

Senator LANGER. Would you be in favor of that?

Mr. O'BRIEN. Yes, although the prosecution end of it is more Mr. Simon's field. Certainly anything that would tend to lessen this greatly growing and steadily worsening traffic in obscenity would be a great help to the Post Office Department.

Senator LANGER. Well, in New York, for example, the fourth felony means life.

Mr. O'BRIEN. Yes.

Senator LANGER. In other words, the penalty is progressively higher and more severe for each offense.

Mr. O'BRIEN. I think, of course, that is a very strong deterrent if you can put it into effect.

Mr. CHUMBRIS. Isn't it true that the State of Minnesota has a statute along that particular line?

Mr. O'BRIEN. I am sorry, counsel, I don't know that.

Now, you asked me a few minutes ago if I would discuss the legal situation, the laws which we have to use and which we try to enforce in the Post Office Department to prevent the dissemination of obscene matter.

Of course, the principal and oldest law is the one now incorporated in title 18 of the United States Code, known as section 1461. It is a law which was passed in 1872, I believe, and amended several times since, and it has a twofold character. It provides that no obscene, lewd, indecent, or filthy matter shall be carried in the mails. It says that if they are carried in the mails, they shall not be delivered by any post office or letter carrier. And it also provides a penalty for whoever knowingly deposits such matter in the mails, or knowingly causes it to be taken from the mails. The penalty is \$5,000 fine or 5 years' imprisonment, or both.

That, of course, is very strong law, both in the scope of the matter it embraces and also in the penalty it carries. The difficulties of enforcement, of course, are very numerous.

Now, as far as the criminal provisions are concerned, Mr. Simon can tell you more about it. We have had the experience of not being able

to prosecute offenders where it would do the most good—in other words, where the obscene matter has been directed for delivery. That is because a fellow may live in a liberal or ultraliberal typical jurisdiction, either on the west coast or the east coast. We do not regard the mailing of some of the stuff we consider obscene as very serious, and as Inspector Blick has shown you, the fines or penalties imposed are not commensurate with the injury that such matter does to the public, and especially to the juveniles.

Therefore, the Post Office Department is advocating and presently trying to obtain approval for additional legislation which will authorize prosecution of offenders in the communities where the matter is delivered and where it actually inflicts injury upon the recipient. I think such legislation would be of great help in deterring some of this traffic.

Mr. CHUMBRIS. Is there such a bill pending before Congress?

Mr. O'BRIEN. The bill has not been introduced. It is presently being drawn and submitted to the Budget Bureau, and it hasn't come in yet, but I believe it will be offered.

Mr. CHUMBRIS. I say, No bill has been introduced in Congress at this time?

Mr. O'BRIEN. No.

Mr. CHUMBRIS. Could we get a copy of that proposed bill, Mr. O'Brien?

Mr. O'BRIEN. I think you will have to wait until the administration clears it through the Budget.

Senator LANGER. You see, Mr. O'Brien, we are doing this year what we have done during all the years that I have been in the Senate. We will go along, in January we will meet, nothing is done, February nothing is done, March nothing is done, April nothing is done, May nothing is done—you and I have had that matter up before, as you know, and I think you and I are in full agreement.

Now, we will introduce this bill, and we will get it in in the middle of June, and finally when the House will pass on it, it will never be considered by the other House, and therefore it will die, and next year we will come back with all this testimony over again.

You and I have had that up in connection with other postal matters, in connection with the small loans, insurance frauds, and so on.

Mr. O'BRIEN. That is true.

Senator LANGER. Is there any way we can get this bill in next week that you know?

Mr. O'BRIEN. I believe I would have to find out what progress has been made on it before I could answer that, Senator. My last information is that it is imminent, but not actually in the hopper yet.

Next week we are going to have an exodus of some kind.

Mr. CHUMBRIS. You may continue.

Senator LANGER. Before you continue, I am very much interested in this, because our New York testimony shows that some of these fellows make a million or a million and a half or \$2 million a year.

Mr. O'BRIEN. That was Mr. Klaw.

Senator LANGER. It is to their interest to do all they can to keep these bills from being passed. Certainly this subcommittee ought to find some way to get these bills in so that they can be passed without being killed year after year.

Mr. O'BRIEN. I think you will find very strong support of that. Mr. Simon can speak for it.

Senator LANGER. We fool around and we don't get it in here until the 24th or 25th of June. It is in the Subcommittee of the Judiciary, and 2 weeks the full committee, the Senate Judiciary Committee, and it will lay around a week before anything is done, and all the time July 15 is approaching, and by the time we adjourn nothing is done, and the bill is dead.

Mr. CHUMBRIS. I might point out one gratifying thing. This bill that was reported out of our subcommittee, the one which prohibits interstate transportation by private car of pornographic material, it has also passed the House, so now that one bill that has been pending for 3 or 4 years has now finally passed.

Senator LANGER. That has been pending for 7 or 8 years, and I am glad to hear that.

How is the runaway-fathers bill?

Mr. CHUMBRIS. That bill is reported out of the Senate.

Senator LANGER. That will have to go to the full committee in the Senate.

Mr. CHUMBRIS. That is another bill that has been defeated each year since 1948 and 1949.

Senator LANGER. It was put in by Congressman Pope or Congressman Jacobs 15 years ago, and it still isn't passed. There certainly ought to be some provision made so that we can get action on these bills.

Mr. O'BRIEN. As to this man who is making the million or million and a half dollars from the sale of this pornography, at least one of these is Irving Klaw, who refused to testify. I have a copy of the charges we have pending against him, and if we supported the charges—I am the complainant—if we support these charges, an order can be issued that will stop all mail addressed to Irving Klaw. That means, of course, his mail-order business in this type of pornography, what I call pornography, in which he has been indulging, these pictures, photographs, slides, and so forth, will be in the past.

Senator LANGER. You have just told us that 1 fellow has got 20 different corporations. They will slip it over and put it in the name of somebody else.

Mr. O'BRIEN. We are not too slow about following it. It is something that we can handle effectively by impounding this mail.

Senator LANGER. If you impound the mail they will use an automobile or airplane.

Mr. O'BRIEN. We only have the mail to deal with.

Senator LANGER. I understand that.

Mr. CHUMBRIS. At this time you don't have the impounding statute to operate under. That is one of the bills you are trying to get through?

Mr. O'BRIEN. I have an opening and impounding authority as to a fictitious name, with which I have had some success and some failure.

Mr. CHUMBRIS. Is that what you term the unlawful order or the stop order?

Mr. O'BRIEN. The unlawful order is pursuant to 290 United States Code 55, by which the Postmaster General can stop the mail of persons obtaining obscenity through the mail.

Mr. CHUMBRIS. That hasn't proved 100 percent effective?

Mr. O'BRIEN. It is 100 percent effective where the courts would leave the order in effect.

Mr. CHUMBRIS. What is the difficulty there?

Mr. O'BRIEN. I say, 100 percent effective as to each order. Now, in the case of the woman up in Connecticut and around there, Mrs. Tagger was her name. She ran a business which could operate in 1 place under 1 name for a few weeks or months, and then skip to another. She was constantly moving along. We finally did put an end to her use of the mail for obscenity; 100 percent effective, I think, is too strong.

Mr. CHUMBRIS. Let's strike the words "100 percent effective," and use the word "effective."

Mr. O'BRIEN. I can say that in most of these cases where we have complaints on a 259 (a) and obtain an order, I think in a very high percent of the cases there has ben no revival of that business. However, there is this: we have to deal with the intricacies of procedure as prescribed by the Administrative Procedure Act. A man can postpone and fool around with our procedures for many months.

Mr. Roth here, in one case, has managed to do that for 12 months.

Mr. CHUMBRIS. In the meantime, he has already profited on that first advertisement he has sent out; is that correct?

Mr. O'BRIEN. Yes.

Mr. CHUMBRIS. And by the time this procedure was put into operation—

Mr. O'BRIEN. We did use the fictitious name procedure against some of Mr. Roth's enterprises, and the court refused to give any relief, and that was the place where impounding action was very useful, but nevertheless the delays which are incident to complying with all the prescriptions of the act can be very bad when you come to enforcing the law against fly-by-night operations, which, when they close up after they have taken all the money they can, are indifferent to the order.

Senator LANGER. Did you get that batch of literature I got from North Dakota last week?

Mr. O'BRIEN. Have I received it yet?

Senator LANGER. Yes.

Mr. O'BRIEN. I probably have. If I did, I replied to you, and sent it back, probably.

Senator LANGER. I sent it to Mr. Summerfield.

Mr. O'BRIEN. It comes over to me.

Senator LANGER. It came from Dickey County, N. Dak.

Mr. O'BRIEN. I bet it was Good Times advertisements, if I were betting on which case it was, because Good Times and similar publications are demanding circularization at the present time.

Mr. CHUMBRIS. Do you want to get back to your statement, Mr. O'Brien?

We have injected some questions into this that you probably covered later on.

While we are still on the question of recommendations, a question was raised in New York concerning the envelope not containing a sufficient identification of the person who puts this material into the mails.

Do you have any suggestions of a law that should be enacted to take care of that?

Mr. O'BRIEN. Requiring a person who mails indecent matter to disclose his identity on the envelope?

Mr. CHUMBRIS. That is right.

Mr. O'BRIEN. It never occurred to me that we could do that.

Mr. CHUMBRIS. Is it possible that it can be done? You notice we get a lot of these envelopes, and it just mentions some fictitious company, without any individual name attached to it, with some address; that is the only identifying feature on it.

Mr. O'BRIEN. I might say that it will probably be a statute which will be difficult to enforce as a mailability statute. It might be one, if constitutional, which would be enforceable as a criminal statute. The reason is, of course, that if a man mails first-class matter in a plain envelope and we have no way of going into that mail, it would go through without challenge. Another thing, if it were possible to issue an order by the Postmaster General in such a case, we have the problem of willfully mailing obscene matter without putting his address on the outside, I don't know whether it would mean anything beneficial. I haven't thought anything about it.

Mr. CHUMBRIS. Would you please give that thought, and give whatever recommendations that you may have to the subcommittee at a later time, because this matter was raised during the course of the New York hearings, and if there are suggestions that you can make on that particular point, I am sure the subcommittee would greatly appreciate it.

Senator LANGER. Can we set a day when we are going to get that? Can you get it in a week.

Mr. O'BRIEN. Next week is a bad week.

Senator LANGER. You have got a bunch of assistants. You have got millions and millions of dollars in the Post Office Department. I realize that you can't do all of that, but you must have some assistants that can prepare that and get it in here in the week or so; is that right?

Mr. O'BRIEN. I will try to comply with your request, Senator.

Getting back to this discussion of law, the nonmailability statute is one which is most often employed by the Post Office Department, because, of course, it is readily applicable to all matter which is not under seal. That would enclose all circular matter which is third class and all publications which are not mailed under seal. Therefore, most of our post cards, most of our work, comes under that statute. And we do exclude from the mails under that statute great quantities of nonmailable obscene matter, mainly in the form of periodicals, sometimes two or three hundred copies of a magazine may be declared unmailable, because it is obscene. The publishers are pretty well acquainted with that fact, and consequently we find not many of them willing to take a risk when they have a bad issue, they probably send it by some other means of conveyance. Sometimes you will find publications scattered around the country which have indicia on them indicating entry as second-class matter, but that doesn't mean that it was disseminated by the mail, it could have been delivered by private carrier, common carrier, or some other form of transportation.

And then, of course, we have a number of lawsuits arising from our efforts to exclude obscene matter from the mails. We have some very

close questions on what obscenity constitutes. The battle is an unceasing one between those who want to make a living out of this pornographic matter, and law enforcement officers and the public, which objects to having the mail used for the distribution of such material.

Mr. CHUMBRIS. Mr. O'Brien, do you know, of your own knowledge, the method of operation of these people obtaining mailing lists and how they could screen these mailing lists for whether the person is an adult or a minor?

Mr. O'BRIEN. No, sir; I don't.

Mr. CHUMBRIS. Now, Mr. Samuel Roth admitted in his testimony in New York City that his office procedure could be improved to a great extent in determining whether the name lists that he buys or rents contain names and addresses of minors.

Mr. Chairman, in conjunction with the name lists, I have a letter here from Congressman Blatnik, of Minnesota, which was sent to us this morning, with some material, and some of this—

Mr. O'BRIEN. I might say we proceeded against Tourlanes.

Mr. CHUMBRIS. Tourlanes Publishing Co., 229 West 28th Street, New York City, N. Y.

Mr. O'BRIEN. I entered charges against them several months ago. The case has been tried and heard. The hearing examiner has recommended an order stopping their mail. And of course they have the right to appeal, under the Administrative Procedures Act, which they will no doubt pursue.

Mr. CHUMBRIS. Mr. Chairman, may I read into the record the Congressman's letter, because it is an interesting sidelight.

Senator LANGER. Yes.

Mr. CHUMBRIS. It says:

DEAR MR. CHUMBRIS: My assistant told me of his conversation with you yesterday and your desire to see the material which was sent to Mr. Peter McHardy of Hibbing, Minn. Peter is a young man now serving with the Armed Forces in Germany, and his father wonders whether or not his mailing address was obtained through his Army enlistment.

Any information you can give me on this matter will be greatly appreciated.

The reason why I say this is unusual is because this is the first time we have had any inkling that a mailing list can be made up of young men who enlist in the armed services.

Do you have any comment to make on that? Is there any such possibility, that you can think of?

Mr. O'BRIEN. We haven't heard of that before. As a matter of fact, I don't get information concerning mailing lists.

Mr. CHUMBRIS. I would like to have that introduced into the record and marked "Exhibit No. 31."

Senator LANGER. That may be done.

(The letter referred to was marked "Exhibit No. 31," and is as follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 8, 1955.

MR. PETER CHUMBRIS,
Room 900, HOLC Building,
Washington 25, D. C.

DEAR MR. CHUMBRIS: My assistant told me of his conversation with you yesterday and your desire to see the material which was sent to Mr. Peter McHardy of Hibbing, Minn. Peter is a young man now serving with the Armed Forces in Germany, and his father wonders whether or not his mailing address was obtained through his Army enlistment.

Any information you can give me on this matter will be greatly appreciated.
Sincerely yours,

JOHN A. BLATNIK, *Member of Congress.*

Mr. O'BRIEN. Here is our complaint against the Tourlanes Co., which was filed on February 15, this year.

Senator LANGER. How many complaints have you filed, Mr. O'Brien, on subject matter of this kind, this year?

Mr. O'BRIEN. This is the sixth month. I would say perhaps 200. I can't tell you offhand. I am just estimating, as well as I can.

Senator LANGER. What is the disposition of them?

Mr. O'BRIEN. I would say most of them quit when they are confronted with charges.

In other words, they say, "We quit, we won't do it any more, we agree to go out of business." More than half of them.

Mr. CHUMBRIS. Would you say that your complaints filed have stepped up within the last year?

Mr. O'BRIEN. Yes, sir.

Mr. CHUMBRIS. To what extent? What is your average number of complaints per year that you filed, would you say?

Mr. O'BRIEN. Now, the average number of complaints over a period of years—remember, in the first place, the statute was passed in 1950, this 259 (a), and we started off pretty slowly on it, because we didn't get too many cases, of course. And there weren't so many concerns at first.

Mr. CHUMBRIS. In other words, there were many more concerns that have opened up business since 1950?

Mr. O'BRIEN. Yes, sir.

Mr. CHUMBRIS. How many more concerns, would you say, have opened up since 1950?

Mr. O'BRIEN. You mean in excess over the average number in existence?

Mr. CHUMBRIS. Yes.

Mr. O'BRIEN. I don't know.

Mr. CHUMBRIS. Percentagewise.

Mr. O'BRIEN. I don't really know that, sir. You see, you have the fellow coming and going and opening here and there, and one does, and another crops up.

Mr. CHUMBRIS. Can you explain the reason why so many are cropping up since 1950?

Mr. O'BRIEN. I tried to explain that before, that availability of this type of picture—you can buy it, go into these studios where they have a bin of it, just like a bin of junk, and you can go in and take a handful of these and buy them, and then you are in business.

Mr. CHUMBRIS. And, in your opinion, since 1950 this business of obscene literature and bondage pictures and fetish pictures and nude pictures, all those that have been determined as obscene, has jumped up tremendously in its manufacture, distribution, and sale throughout the United States; is that correct?

Mr. O'BRIEN. In my opinion?

Mr. CHUMBRIS. Yes.

Mr. O'BRIEN. I can't answer that question.

All I can say is that I see more of them. Perhaps we have been more effective in rooting it out.

Mr. CHUMBRIS. You see more of it, and there are more concerns that are cropping up every day to get into this particular type of business?

Mr. O'BRIEN. More concerns are cropping up every few days.

Mr. CHUMBRIS. And therefore that must be an indication that that business is increasing; is that correct?

Mr. O'BRIEN. I think it is generally increasing, yes.

Senator LANGER. The reason for that is that nobody is ever put in jail. When they get a prosecution, all they do is tell them to stop it, and the fellow says, "Yes, I will do it no more."

Mr. O'BRIEN. Senator, I can't put them in jail. I wish I could. All I can do is stop their mail. When I say stop it, that may mean the mails go back marked "Out of Business." And that is a measure I am willing to adopt, because it saves the Government trial time and money.

In other words, if a man agrees to go out of business now rather than prolong the hearings 6 months, the Government and the public gain by having the business stop quickly, and also less expensively.

Senator LANGER. Can't these people be prosecuted?

Mr. O'BRIEN. They can be prosecuted if the United States attorneys feel they have cases of sufficient strength, but very often we can stop them, Senator, in cases where the United States attorney would probably not undertake the prosecution.

Mr. CHUMBRIS. You have heard of the Solliday case in Baltimore, where the United States attorney obtained a conviction for the distribution of this type of pictures we are talking about—the fetish, the bondage, the strip-tease.

Mr. O'BRIEN. One of my men testified in that case.

Mr. CHUMBRIS. In that case, the common carrier was used, and still a conviction was obtained, under the common-carrier provision, which is 1462 of title 18.

Mr. O'BRIEN. Right.

Senator LANGER. How many fellows have gone to jail since 1950?

Mr. O'BRIEN. I don't know. Mr. Simon is the man who handles the prosecutions.

Senator LANGER. Can you tell us?

Mr. SIMON. I have some statistics on the number of arrests in comparison to the number of cases we have issued for investigation. That is based on the mailing of all types of nonmailable matter, including threatening letters and postal cards. During the fiscal year ending 1954, we had issued for investigation 5,233 cases, which is quite an increase, and the statistics in our possession at the present time indicate that there will be a tremendous increase during the current fiscal year.

Now, arrests for mailing obscene matter during the fiscal year ending June 30, 1954, there were 136 arrests and 112 convictions.

During the current fiscal year ending April 1955, there were 166 arrests and 137 convictions.

Senator LANGER. What is the average amount these gentlemen get?

Mr. SIMON. My experience has been that the penalty is very small in most obscenity cases; they get \$50 or \$100 fine. Most of them are probation and frequently there is not even a fine. The most excessive fine—I just experienced three cases that were tried in California, in San Francisco, the northern district of California, involving mail-

fraud photographs. They were jury trials in each case. After previous prosecution the promoters had continued to operate. But a year ago I took the matter up with the present United States attorney.

We obtained indictments in each case and convictions in each instance. These defendants were given suspended jail sentences from 6 to 9 years and fines were \$1,500—1 got a \$3,000 fine, 1 a \$4,000 fine, and 1 a \$5,000 fine, which is quite excessive—and those are the only adequate sentences we have experienced in this particular type of case.

Senator LANGER. Don't you think the law should be changed to make it compulsory that the judge had to give them at least 90 days or a year in jail?

Mr. SIMON. The penalty is adequate if the judges would only——

Senator LANGER. The Congress has the power to say to the judge, "You have got to give him at least a year."

Mr. SIMON. I think there should be more adequate sentences to deter these people.

Senator LANGER. Would you draw up a law in this omnibus statute you are drawing up to say that the judge has no discretion; when he convicts, he has to give him at least a year? When you stop this stuff, you have got to have some kind of adequate penalty to stop it. When a man is making a million dollars a year and gets \$100 or \$50 fine, it makes the whole law ridiculous.

Mr. CHUMBRIS. Mr. Simon, are you familiar with the case in which a Federal judge in Newark, N. J., last summer issued a year-and-a-day penalty to this person for his first offense in sending an obscene picture through the mails?

Mr. SIMON. I don't recall that particular case; no, sir.

Mr. CHUMBRIS. Some of our material from the hearings in New York have not come to Washington and have been forwarded to another part of the country for the hearings. I don't have the exact name of the person involved, but the judge issued this statement, that from here on in any case that comes before his court of obscene literature, obscene pictures, lewd pictures, was going to get the full penalty of the law.

Mr. SIMON. That was in a Federal case.

Mr. CHUMBRIS. In a Federal court.

Are you in accord with that type of meting out punishment?

Mr. SIMON. No, sir; I hadn't heard about it.

Mr. CHUMBRIS. Are you in accord with it?

Mr. SIMON. I am; yes, sir.

Mr. CHUMBRIS. Could you believe that that would definitely act as a deterrent to future traffic in pornographic literature through the mails?

Mr. SIMON. I certainly do.

Mr. CHUMBRIS. As a matter of fact, it would be the same for any other provisions, such as 1462, through common carrier, and the other provisions of the law?

Mr. SIMON. Yes, sir.

Mr. CHUMBRIS. If the punishment were greater?

Mr. SIMON. I agree.

Mr. O'BRIEN. Of course, you could amend 1461 and say:

* * * shall be fined not less than \$1,000 or less than one year in jail.

Senator LANGER. And providing further that the judge cannot suspend the sentence, and get away from all the suspending business.

We ran across that, as you will remember, during the war, where they had defective wiring in the airplanes, and a lot of our soldiers were killed. And we had a judge in Indiana that suspended the sentence, even though there had been several mechanics and soldiers killed. You remember that. The judge finally resigned when they started making an investigation.

Mr. SIMON. I might say that since I have been engaged in this type of work I only know of one instance where a man has received a maximum penalty of 5 years in prison for mailing obscene matter.

Mr. O'BRIEN. Of course, where we stop these people, or they quit, they did suffer financially; they probably have a lot of money invested in their advertisements.

Senator LANGER. If your theory is right, then if a man enforces a prohibition law, a fellow can sell liquor all year long, or 2 years or 3 years or 4 years, and when you finally convict him, if he says he won't sell any more liquor—

Mr. O'BRIEN. No; that is not my theory.

Senator LANGER. That is the way the things works.

Mr. O'BRIEN. No, sir.

Our function in the Post Office Department is not punitive. Our function is to stop the use of the mails for the distribution of obscenity. When it comes to the prosecution and penalty, that is up to the Department of Justice. But we try to stop the channel of the mails from being used in order to let this matter flow into the houses of the public and contaminate the minds of these children that you are here trying to protect.

If you can effect that, then after we have done that, the avenues are still open for prosecution of the offender.

Senator LANGER. As Mr. Simon says, they issued 5,280 arrests.

Mr. SIMON. Those are cases issued for investigation. And that is all types of nonmailable matter. We don't have any breakdown as to the dealers in obscene matter. It is all types of nonmailable matter.

Mr. CHUMBRIS. Mr. O'Brien or Mr. Simon, while we are on the question of the nature of the offense and the penalty involved, what is your opinion on a statute which provides that the equipment that the pornographer has would be confiscated and not returnable to the offender? Are you in favor of such legislation? That would definitely cut off the production end of the business, as well as some of the distributing end.

Would you be in favor of such legislation? In other words, if the photographic equipment were confiscated and if the projector, the movie projector and the processing of film, that equipment that he uses for that work confiscated, like it is under the narcotics law and under the old prohibition law, would you be in favor of such a provision in the law, whether it be Federal or State?

Mr. SIMON. I would, in connection with criminal cases, because I have experienced such situations where these offenders have been taken into custody, in using a search warrant and material is confiscated, and thereafter the court ordered the material returned, and they are back in business again.

Mr. CHUMBRIS. Then, if the equipment were taken away from them, they couldn't produce these pictures fast enough, and therefore they couldn't distribute them through the mails; is that right?

Mr. SIMON. It would at least put them to considerable expense in duplicating them.

Senator LANGER. I want to call your attention to the fact that a man brings in wool from Canada and doesn't pay this duty, or brings in some of the Selkirk wheat; if he does that, they don't arrest him and punish him, but they take his trucks, customs takes the trucks, the automobiles, everything involved in bringing that Selkirk wheat in, and they sell them. And there is nothing you can do to stop it. And so some of these men lose trucks costing six or seven thousand dollars.

We have 70,000 cases up in North Dakota, some are pending right now in the district court of North Dakota. That is the way to stop violations of the customs law. Why wouldn't it work here?

Mr. SIMON. I agree with you.

Senator LANGER. If an automobile carried some of this obscene literature, if that automobile could be confiscated, or an airplane carried it and an airplane could be confiscated, why wouldn't that be a good law to have?

Mr. CHUMBRIS. A similar law to that has been introduced, Senator.

Senator LANGER. But there hasn't been any action on it. You did a good job of introducing stuff, but nothing has been passed.

Mr. CHUMBRIS. Mr. Simon, on the same issue, we have with us the Honorable Leslie Burgum, the attorney general of the State of North Dakota, whose State legislature in 1955, this recent legislature, enacted such a provision in its law, which he will testify to in a short while.

Senator LANGER. Let's have him testify now.

Would you come up, Mr. Burgum. It is not necessary to swear you in this matter.

(The prepared statement, in full, submitted by Mr. O'Brien is as follows:)

STATEMENT BY WILLIAM C. O'BRIEN, ASSISTANT SOLICITOR, FRAUD AND MAILABILITY DIVISION, OFFICE OF THE SOLICITOR, POST OFFICE DEPARTMENT, WASHINGTON, D. C.

The Post Office Department receives numerous complaints made by parents whose children have received advertisements of pornographic books, pictures, movies, slides, photographs, and other items including trashy sex and crime stories, filthy novelties and other miscellaneous dirt.

The mailing volume of such advertisements is large and is steadily growing. The daring and indecency of the advertisements themselves, apart from the indecent nature of the items sold, is a menace to public morals both adult and juvenile.

The increase in this traffic is due to several principal factors. The ready availability of the pornography in wholesale lots, the ease and simplicity of setting up business with comparatively small capital investment and the reluctance of the courts to sustain administrative orders denying use of the mails to such enterprises.

Purveyors of pornography with little to lose by changing name and location can easily and securely accumulate quick profits while the law takes its leisurely course.

At this point, the committee may wish some discussion of the laws available to the Post Office Department in dealing with the traffic in obscene matter through the mails. The laws usually invoked are section 1461 of title 18 United States Code and section 259a of title 39 United States Code.

Section 1461 declares nonmailable every obscene, lewd, lascivious or filthy book, pamphlet, letter, writing, print, or other publication of an indecent character. The statute provides that such matter "shall not be conveyed in the mails or delivered from any post office or by any letter carrier." This law also provides penalties of \$5,000 fine or 5 years imprisonment or both, for knowingly depositing obscene matter for mailing or delivery, or for knowingly taking same from the mails for the purpose of circulating or disposing thereof.

There have been several convictions under the criminal provisions (as Post Office Inspector Simon will tell you) but compared with the vast volume of the traffic in obscenity, such convictions have not proven to be significantly deterrent to the growing volume and worsening character of that traffic, nor have such convictions prevented purveyors of pornography from circularizing and selling to children.

Criminal law enforcement, however, is a limited deterrent where action can be taken but some of the worst offenders are domiciled in jurisdictions where indictments and convictions are difficult to obtain. Thus, secure in the well founded belief they are immune from criminal prosecution, or that jail sentences are less likely than fines in their home jurisdictions, dealers in pornography use the mails to advertise and sell their filthy merchandise to people in more conservative distant States.

The present law, title 18, United States Code, section 1461, allows prosecution of obscenity mailers only at the point of mailing but not at the points where delivery is made and where the real harm to the community is done.

The Post Office Department is studying legislation to correct this defect in the law. Such legislation, if passed will amend title 18, United States Code, section 1461, so as to permit prosecution of dealers in obscenity in the jurisdictions where obscene advertisements and other indecent matter are delivered, or at the place of mailing.

The passage of this legislation should greatly help to end the comparative security from prosecution which now encourages and to a degree protects the owners of many enterprises peddling obscenity to children as well as adults throughout the country.

The provisions of title 18, United States Code, section 1461, relating to the non-mailability of obscene matter are administered by the Solicitor's office, in cooperation with the postmasters throughout the country. It is the postmaster's duty to inspect matter offered for mailing and if he is in doubt as to whether it should be accepted for mailing, he is required to submit the question to the Solicitor for the Post Office Department for advice and ruling. Of course, postmasters cannot open or inspect sealed first-class matter. Consequently, a great deal of obscenity both in advertising and in the form of nude or otherwise indecent pictures can escape detection at the point of mailing if sent as first-class matter. Criminal prosecution is one remedy for such misuse of the mails. The post office inspectors investigate such mailers and are usually able to secure evidence for prosecution purposes. Mr. Simon, who handles most of this work is here and can explain his problems, including his experiences where juveniles are concerned.

Another remedy for the traffic in obscenity through the mails is provided by 39 United States Code 259a, which authorizes the Postmaster General to issue orders against parties who are obtaining or attempting to obtain money or property through the mails for obscene, lewd, lascivious, indecent, filthy, or vile matter or give information as to how, where or from whom such matter may be obtained. This law was passed by Congress in 1950. Its enforcement is subject to the provisions and requirements of the Administrative Procedures Act (5 U. S. C 1001 et seq.). Therefore, formal charges must be served upon the person or concern accused of violating the law, who is entitled to a formal hearing before a hearing examiner. Respondents may avail themselves of procedural measures which roughly parallel those of a civil court proceeding, including the right to appeal from the hearing examiner's initial decision and from the Department's final order.

Skillful maneuvering by a respondent in these cases can cause long delays of weeks or months before an order finally becomes effective. These protracted delays sometimes augmented and increased by court orders enable those engaged in selling pornography by mail to accumulate profits without hindrance and to such an extent that when the Department's order stops the use of the mails and cuts off their revenue, the exploiters are little concerned and can start another enterprise, providing a repetition of the same long drawn out proceeding.

Procedural red tape is a great obstacle to the enforcement of a law which could swiftly end much of the mail order traffic in obscenity.

All of these enterprises affect juveniles, some by direct appeals to their growing sexual curiosity and by sensationalism stimulating of abnormal and character-destroying sensuality. The advertising samples which have been brought here for the inspection of the committee typify the approach of some of these dealers about whose use of the mails to circularize children, we receive complaints.

Only a few of such complaints from parents have been presented. They represent, in my experience an insignificant fraction of those who have just cause for complaint. In my opinion, based upon several years association with this work, not more than one person in several thousand who could complain, will actually do so. Consequently, the frequency with which we are now receiving such complaints from parents indicates to me a tremendously wide distribution of obscene circulars and letters advertising dirty books, pictures, movies, slides, novelties, et cetera, to children as well as to adults.

Returning to the enforcement of 39 United States Code 259a, and the problem of procedural delay, I believe the Post Office Department has some hope of solving this problem if Congress enacts into law H. R. 174 introduced by Congressman Rees of Kansas. This bill would authorize the Postmaster General to impound the mail of dealers in obscenity pending decision of their cases before the Post Office Department, in circumstances where the protection of the public warrants such action. Last year we had cases against such a dealer, whom we called the alphabetical lady. She began her operations with a fictitious name, such as Afton Publishers. When this was challenged she moved and sent out circulars under a B name such as Buffton and down the alphabet she went from place to place, securing mail delivery service for a few weeks until that phase of her scheme was worked out. Of course, we followed right along but she was usually a jump ahead. Mail addressed to each new name was impounded temporarily on the ground that it was fictitious, as it was, and we finally ended that scheme. Had she used corporate or true personal names, we would have been practically impotent without express impounding authority such as provided by H. R. 174.

The committee may be interested to learn that we have issued a complaint charging Irving Klaw, New York, with violating the provisions of 39 U. S. Code 259a, copy of the complaint is here available to the committee, with some of his circulars. I am convinced that the charges are sound and sustainable and that the evidence will warrant and support the issuance of an order against Klaw's scheme. An increasing number of complaints against Klaw are being received by the Department.

I also have here complaints issued and pending against Male Merchandise Mart, Hollywood, Calif.; The Stag Shop, Los Angeles, Calif.; and Tourlanes Publishing Co., Great Neck, N. Y.

I also have here, as a sample of completed proceeding the case against Gargantuan Books, and Rise & Shine Books, New York, one of the many such enterprises conducted by Samuel Roth, whose circular advertisements have aroused parents to protest against his use of the mails.

Besides the direct order sales of indecent movies, photographs and slides, there is the big problem of the sex books which purport to be designed and intended for proper sex instruction but are really advertised and sold by means of advertising which is plainly designed to arouse the curiosity of the prurient. Court decisions have, I think, sufficiently excluded from application of the postal obscenity statutes, the legitimate texts for adults, which discuss sex and advise mature persons concerning their problems in married life. But the young and immature are frequently assailed by publicity sensationally dwelling on the purely carnal and lascivious aspects of sex and by means of advertisements in girly type magazines solicit the small sums for which such book—and pamphlets may be obtained through the mails. Of course, direct mail advertising is also used to sell not only tracts about normal sexual life but also concerning abnormalities and deviations therefrom which, I am informed by court officers, psychologists and others are extremely detrimental to the morals of juveniles as well as adults. This evil we deal with as well as we can with the authority now conferred on the Department by existing laws.

And last but not least we have the constant and rapidly growing problem of paper back novelties and cheap, trashy, sexy, periodical literature. I may say that the Post Office Department is gravely concerned about the use of the mails to distribute such indecent literature. We resist to the utmost the efforts of those who daily seek to send such matter by mail and great quantities are excluded by Solicitor's rulings that it may not be carried in the mails under the provisions of 18 U. S. Code 1461. Moreover, the Department has refused to grant second-class rates to such publications.

Numerous publications containing sexy illustrations and text dwelling lasciviously on sex episodes and sex crimes reach the public through newsstand sale. But most of them were distributed by some means of transportation outside of the mails, including of course, many entered as second-class matter.

In conclusion, I may say, that the Post Office Department, despite the handicaps, which I have mentioned, is fully employing its authority under the law to protect the public from obscenity of all kinds. And may I again commend to the favorable consideration of the committee such legislation as I have mentioned which will greatly assist the Postmaster General, the Solicitor and the Chief Post Office Inspector in dealing with this problem.

Would you state your full name and your address and your official title, for the record?

STATEMENT OF LESLIE R. BURGUM, ATTORNEY GENERAL OF THE STATE OF NORTH DAKOTA, BISMARCK, N. DAK.

Mr. BURGUM. Leslie R. Burgum, attorney general, Bismarck, N. Dak.

Mr. CHUMBRIS. And how long have you been the attorney general for the State of North Dakota?

Mr. BURGUM. Since January 3, 1955.

Mr. CHUMBRIS. And, Mr. Attorney General, you were the Attorney General at the time that House bill No. 825 was introduced and passed by the Legislature of the State of North Dakota and written into law?

Mr. BURGUM. Yes; I was, at the time of the passage of House bill No. 825.

Mr. CHUMBRIS. And the provisions of said law, does it deal with confiscation of the equipment of a person dealing in pornography?

Mr. BURGUM. Yes; it does; section 4:

Seizure and confiscation of equipment used in production or manufacture of indecent literature or articles and of vehicles used in distribution of indecent articles.

Senator LANGER. Mr. Attorney General, would you mind reading that whole section.

Mr. BURGUM (reading):

Any peace officer of this State may seize any equipment used in the printing, production, or manufacture of indecent and obscene literature, matter, or articles, of whatever nature, and may seize any vehicle or other means of transportation used in the distribution of such indecent and obscene literature, matter, or articles, and may arrest any person in charge thereof. The procedure prescribed in chapter 29-31 of the North Dakota Revised Code of 1943 relating to confiscation of equipment used in the commission of crimes shall apply and shall be followed in carrying out the provisions of this section.

Senator LANGER. That would mean, would it not, that if a truck or an automobile was used in hauling this literature, and he was arrested, convicted, you could confiscate the truck?

Mr. BURGUM. That would be my interpretation, Senator.

Senator LANGER. An airplane or anything else that is used?

Mr. BURGUM. That is correct.

Section 1 refers to films. And I assume—and the title here refers to pictures. This confiscation section doesn't mention films or pictures, but I assume that "articles of whatever nature" would mean that you could seize films and projectors, or anything else you could get hold of. I certainly would try it.

Mr. CHUMBRIS. Do you believe that such a law would act as a deterrent to the manufacture, production, and distribution of obscene material?

Mr. BURGUM. Yes; I believe it would.

Mr. CHUMBRIS. It would certainly put a lot of people out of business, wouldn't it?

Mr. BURGUM. Yes; that confiscation section is rather deadly, because some of that stuff, the projectors, for instance, automobile, or whatever they were using, is expensive.

Mr. CHUMBRIS. And, Mr. Attorney General, I believe that your State is the first State in the United States that has placed the confiscation of pornographers' equipment into law.

Mr. BURGUM. That may be. I couldn't say as to that. I notice that this bill was introduced by seven members of the house of representatives, and one of them is Mr. Brooks, State's attorney of Cass County. That is the county in which the city of Fargo is situated. He was State's attorney there for a number of years, with Senator Knowles.

Whether or not he had experience with this thing, I am not prepared to say. But as State's attorney of Stutsman County—we use the term "attorney" there, in a good many States they use the designation "county attorney" or "prosecuting attorney"—but I had a little run-in with it. It comes back to my mind after listening to this testimony here.

Two women were returning from church. They were both mothers, and they found on the street a card addressed to any young girl who might be interested in posing in the nude for a calendar, and that this party could be reached in a certain way. And they turned it over to the police. They ran it down, and I think the party left town before they got anything done about it.

But it comes back to me after listening to this testimony here. That, evidently, was an operation along this line.

Mr. CHUMBRIS. I might point out at this time, Mr. Burgum, that from the hearings that we held in New York, we found very little, if none at all, of actual distribution from the State of North Dakota to other parts of the country, and the stiffness of that particular law might be the deterrent that brought that result about.

Senator LANGER. All we did find was that some was being shipped into North Dakota. We found a man that had an office in Fargo and another office in Minot and another in Grand Forks.

But if any evidence is presented to you, I am sure that you will make short shrift of the fellow that is doing it, knowing your reputation for law enforcement out there.

Mr. BURGUM. That is right.

These representatives definitely felt there was some danger, some possibility of this thing developing, because several of them introduced this bill. And it was not introduced at my suggestion. But it is on the statute books there now.

And the penalty, by the way, is \$1,000 fine or a year imprisonment. And there is a saving clause, too, in the bill:

Any person who violates any of the provisions of this act shall be punishable by a fine not to exceed \$1,000—

that is the maximum—

or by imprisonment not to exceed 1 year, or both such fine and imprisonment.

Mr. CHUMBRIS. And a survey of the State statutes would show that the penalty provisions under the new law of North Dakota are much more stringent than in most of the States?

MR. BURGUM. I would suspect that that is the case. I would not be prepared to say, though.

MR. CHUMBRIS. We have introduced this into our New York hearings, Mr. Attorney General, the brief of the laws dealing with pornography of the 48 States. And our survey indicates that North Dakota does have one of the most stringent laws, especially in view of the confiscation provision in its statute.

MR. BURGUM. Well, that is the measure that is on the books now.

SENATOR LANGER. Any objection to making that law a part of the record, Mr. Burgum?

MR. BURGUM. No.

SENATOR LANGER. Then it is ordered to be made a part of the record.

MR. CHUMBRIS. That will be marked "Exhibit No. 32."

(The bill of the North Dakota legislature was marked "Exhibit No. 32," and reads as follows:)

THIRTY-FOURTH LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

HOUSE BILL NO. 825

(Introduced by Representatives Vinje, Roen, Gefreh, Schuler, Langseth, Brooks, and Haugland)

A BILL For an act relating to the prohibition of the buying, selling, distribution, designing, or disseminating in any way, of obscene writings and pictures and providing for the enforcement and administration of this act and penalties for its violation; and to repeal sections 12-2107, 12-2109, and 12-2111 of the North Dakota Revised Code of 1943

Be it enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. SALE, EXHIBITION AND DISTRIBUTION OF LEWD AND OBSCENE MATTER TO PERSONS UNDER TWENTY-ONE PROHIBITED.—No obscene, lewd, salacious or lascivious book, pamphlet, picture, paper, letter, magazine, newspaper, writing, print, printing, film, negative, transcription, wire or tape recording, or other matter of indecent character, shall be sold, loaned, given away, shown, exhibited, distributed, advertised or offered for sale, loan, gift or distribution, or be held in possession with intent to sell, loan, give away, show, exhibit, or distribute, to any one under the age of twenty-one. Any person, firm, copartnership, or corporation who hires, uses, or employs any one under the age of twenty-one to sell, give away, or in any manner distribute such matter, and any person who, having the care, custody, or control of a person under the age of twenty-one years, permits such person to sell, give away, or in any manner distribute such matter, shall also be guilty of a violation of this Act. The trial court shall take into consideration and give due weight to the approval by the national association known as the "Comics Code Authority," or such associations successors, of any comic books or publications in question under this Act.

SEC. 2. BUYING, SELLING, DISTRIBUTING, EXHIBITING, PREPARING, POSSESSION OF, OR BRINGING INTO STATE ANY EQUIPMENT FOR PREPARING, LEWD AND OBSCENE MATTER.—No person, firm, copartnership, or corporation shall buy, sell, cause to be sold, advertise, lend, give away, offer, show, exhibit, distribute, cause to be distributed, or design, copy, draw, photograph, print, etch, engrave, cut, carve, make, publish, prepare, assist in preparing, solicit or receive subscriptions for, or hold in possession with intent to sell, lend, give away, offer, show, exhibit, distribute, or cause to be distributed or bring or cause to be brought into the State any obscene, lewd, salacious, or lascivious book, pamphlet, picture, paper, letter, magazine, newspaper, writing, print, printing, film, negative, transcription, wire, or tape recording, cast, cut, carving, figure, image, or other matter, article, or instrument of indecent character or immoral use, or any equipment, machinery, or devices used or intended to be used in the preparation, manufacturing or producing of such obscene matter and material. The trial court shall take into consideration and give due weight to the approval by the national association known as the "Comics Code Authority," or such associations successors, of any comic books or publications in question under this Act.

SECTION 3. DISTRIBUTION OF INDECENT ARTICLES: TIE-IN SALES.—No person, firm, co-partnership or corporation shall as a condition to a sale or delivery for resale of any paper, magazine, book, periodical, or publication require that the purchaser or consignee receive for resale any other article, book, or other publication reasonably believed by the purchaser or consignee to be obscene, lewd, lascivious, filthy, indecent, or disgusting.

SECTION 4. SEIZURE AND CONFISCATION OF EQUIPMENT USED IN PRODUCTION OR MANUFACTURE OF INDECENT LITERATURE OR ARTICLES AND OF VEHICLES USED IN DISTRIBUTION OF INDECENT ARTICLES AUTHORIZED.—Any peace officer of this state may seize any equipment used in the printing, production, or manufacture of indecent and obscene literature, matter, or articles of whatever nature, and may seize any vehicle or other means of transportation used in the distribution of such indecent and obscene literature, matter, or articles, and may arrest any person in charge thereof. The procedure prescribed in Chapter 29-31 of the North Dakota Revised Code of 1943 relating to confiscation of equipment used in the commission of crimes shall apply and shall be followed in carrying out the provisions of this section.

SECTION 5. PENALTY.—Any person who violates any of the provisions of this Act shall be punishable by a fine of not to exceed one thousand dollars, or by imprisonment for not to exceed one year, or by both such fine and imprisonment. The term "person" herein shall include any firm, co-partnership, or corporation.

SECTION 6. SEVERABILITY.—Should any part of this Act be adjudged invalid or unconstitutional, such adjudication shall affect only the part of this Act specifically covered thereby and shall not affect any other provisions or parts of this Act.

SECTION 7. REPEAL.—Sections 12-2107, 12-2109, 12-2111 of the North Dakota Revised Code of 1943 are hereby repealed.

Senator LANGER. And I wish, Mr. Chumbris, that you would mail a copy of that law to every attorney general in the United States, so that they may have the benefit of the North Dakota legislation, and they may draw up statutes similar to or even more stringent, if they want to, so that they will have a guide to go by. Tell them we would like to have them acknowledge receipt of a copy of that law, if you would.

If the attorney general of North Dakota can't furnish such copies, we will have it duplicated and mailed out to them. Also send a copy to the Attorney General of the United States.

Mr. CHUMBRIS. I might point out, Mr. Chairman, that during the session that passed this legislation, 1955, our subcommittee was in North Dakota on official business and other matters. And the Judiciary Committee was very much interested in this problem, and asked our subcommittee staff members to coordinate the efforts.

That was one instance of excellent coordination between Federal and State committees, legislative committees, in working on a bill that would be a deterrent to this pornographic filth that gets to our children throughout the country.

Senator LANGER. Senator Kefauver took a great interest in that, and I remember that he asked the staff particularly to go up to the Judiciary Committee on North Dakota, they were in session at that time, and bring it to the attention specifically of the judiciary committee.

Senator Kefauver told me that there wasn't any objection—I believe you were out there, Mr. Chumbris—on the part of a single legislator. The matter was presented to them out there at one of their meetings of the judiciary committee of the house—I believe it was the joint meeting of the house and senate out there. It passed without a single vote in opposition to it.

Senator Kefauver is very proud of the fact, and he has a right to be, that in that State we helped the legislature to set an example for other States to follow.

Mr. BURGUM. Of course, there is one thing out there, the distances are great, and the population is comparatively sparse. There are a lot of wide open spaces, and you probably don't have the available market, as readily as you would have it in some of the congested areas.

Mr. CHUMBRIS. Mr. Attorney General, you have heard the testimony of Inspector Blick here earlier this afternoon as to some of the problems that the police department has in dealing with this pornographic material, first, in apprehending the culprit, and then in seeing that he is prosecuted, and then after being prosecuted, if convicted, given sufficient penalty.

In view of the legislation that was introduced and passed by the State of North Dakota, would you like to comment further, so that whatever the experience of North Dakota has, it might be transmitted to the other 47 States in the United States.

Mr. BURGUM. Well, of course, we haven't had any experience under this new bill, but I think there is a general tendency to make penalties too light, to give suspended sentences, or to treat the whole matter so that it doesn't justify the evidence that is put into the prosecution.

As the inspector pointed out, you make a very sincere effort to run down a crime, and you spend the money of State, and then there is a suspended sentence given, or a very light penalty, and a promise gotten from the defendant that he will be good in the future.

Mr. CHUMBRIS. Would you state that much of the failure to give stiffer penalties for this offense can be attributed to the fact that the general public has not yet been apprised of the seriousness of this filth and the fact that it gets to so many children in our Nation?

Mr. BURGUM. I think so, very definitely.

To be perfectly frank about it, I didn't realize until I heard the inspector and the gentlemen here who have been testifying how widespread was the circulation and the money that is involved in this sort of thing.

Of course, I can remember when I was a boy—and that is a long time ago—seeing pictures, but it was unusual, it was a rare thing. Now apparently it is resorted to on a pretty well organized basis.

Mr. CHUMBRIS. And the magnitude of this particular production and distribution throughout the country has hit a proportion beyond the vision of even people who are actively engaged in tracking down this type of crime; is that correct?

Mr. BURGUM. I think so.

I think that most people, including law enforcement officers out in our State, have no idea as to the way this is being carried out in, for instance, some of the large metropolitan centers.

Mr. CHUMBRIS. There was an exhibit introduced here a moment ago that I would like for you to see. I would like for you to take a look at that, Mr. Burgum, and see how debased some people have gotten in this pornographic matter, and how it affects children.

That is a picture portraying a mother and her three children. And every one of those are under 10 years of age, or even less, as was testified to by Inspector Blick. I can understand the reason for the great care that this subcommittee has taken in going into this particular problem.

Now, nothing went on in our days as a child like that.

Mr. BURGUM. No; it is a new field to me, I am frank to say. I think that the Federal enactment certainly is justified in a situation of this kind.

Mr. CHUMBRIS. Now, as I was pointing out, the magnitude of this particular business, during the course of our investigation in New York, through the cooperation——

Senator LANGER. Mr. Chumbris, it isn't only in New York; we have had hearings in California, Palm Springs, showing the literature pouring in from Mexico. And San Diego has produced a lot of this. We have had hearings all over the United States, and the situation isn't any worse in New York than it is in other places.

Mr. CHUMBRIS. That is correct.

I wanted to point out, for comment from the Attorney General, that while we were conducting hearings in New York that two large raids were made, one in the southeastern part of the United States, and one in the southwestern part of the United States, which indicated the tremendous amounts of money that is being made in the exportation of this pornographic material.

It goes to point out that the magnitude of this particular distribution and the manufacture of pornography is unlimited. And we are gaining more and more information day by day as we proceed with this particular investigation.

In our opinion, with legislation such as was introduced in North Dakota, and also discussed by Inspector Blick, which is being submitted by the subcommittee to the Senate on Monday, do you believe that legislation along that line will act as a deterrent?

Senator LANGER. Just one minute. Not introduced in North Dakota, but passed in North Dakota, signed by the Governor.

Mr. BURGUM. I believe so. I believe it would in our State, I am sure, if it were enforced.

Mr. CHUMBRIS. Are there any other comments that you would like to make at this time, sir?

Mr. BURGUM. I do not know of any, I don't believe.

Senator LANGER. Mr. Attorney General, you are familiar with the fact that in North Dakota during the last 3 years we haven't had a single murder; you are familiar with that fact, which was sent out by J. Edgar Hoover a while ago.

Would you say that perhaps one reason that we have had such a splendid record out there is due to the fact that we haven't had literature of that sort out there in large quantities? We have had very little of that sort of stuff there; isn't that true?

Mr. BURGUM. I think that is generally true. You have a pretty free and open country out there, you know. But I think there is a little difference—not that the people are any better, but they are nearer to the hills and to the rivers, and that sort of thing.

Mr. CHUMBRIS. Mr. Attorney General, I would like to point out that we have received replies from chiefs of police who state that the traffic in pornography and obscene literature is hitting the rural areas at a much greater percentage than it is hitting the local areas in the past few years.

And therefore, North Dakota, not being confronted with it at this time, it isn't necessarily true that it will not be confronted with it,

since in other parts of the country in rural areas this has become a serious problem.

Mr. BURGUM. Of course, it may be more prevalent than I think. It may be that it just hasn't come to my attention. But I was assistant State's attorney for a couple of years, and then State's attorney, and I never had a prosecution for the thing. It may be that this just didn't head up the right way.

Mr. CHUMBRIS. Other than the incidents referred to by the chairman, we have had very little information of this particular pornographic material getting into or getting out of North Dakota, so our information is similar to the information that you are giving the committee.

But I did want to point out that the rural areas of the United States have been faced with an increase in this particular traffic.

Senator LANGER. Of course, North Dakota is a very religious State. Some time ago the Saturday Evening Post wrote up North Dakota from a religious angle, and it showed, for example, in Traill County, in 3 townships they have 12 churches. And they had photographs of some of those churches, and we are very proud of the religious atmosphere out there in that State.

These churches, as I remember it, are all Lutheran Churches. You are familiar with Traill County, you have been up there a great many times, and you know the very fine religious atmosphere that we have up there. I believe you yourself were at one time head of the Methodist Angle, isn't that true?

Mr. BURGUM. That is right; yes.

Senator LANGER. And I think you will agree with me that the people up there are perhaps more religious than they are in most States?

Mr. BURGUM. Well, the Lutheran Church, for instance, is very strong in that State, because it was settled by people from northern Europe, German, Scandinavian. The Catholic Church is also strong.

But, as I said about the passage of this bill, you know it was almost unanimous. Parents—most parents, certainly—are death against this sort of thing, the parents of children—it would be the last thing they would want the children to get hold of.

Mr. CHUMBRIS. I would like to make one further comment, Mr. Chairman, that the testimony in our hearings on pornography showed that one distributor had 171 distributing points in 14 States, most of which were in rural areas. So it indicates that there is an increased traffic in rural areas, as well as in the larger cities, throughout the United States.

Mr. SIMON, hearing the testimony of the attorney general from the State of North Dakota, and also the testimony of Mr. Blick, would you like to comment on the advisability of stiffer penalties in the statutes, not only on the Federal level but also on the State level?

Mr. SIMON. As far as the Federal is concerned, I feel that there should be a minimum sentence imposed, although I don't know how that could be worked out.

There are a lot of factors that are taken into consideration before a man is sentenced, such as a presentence investigation, and extenuating circumstances involved in the individual case. But I do feel that this considerable traffic is probably responsible for the fact, of course, that there aren't stiffer penalties imposed.

TESTIMONY OF WILLIAM C. O'BRIEN AND HARRY J. SIMON—
Resumed

MR. CHUMBRIS. Now, Mr. O'Brien, we asked several questions of Mr. Simon so that it would answer the particular questions that were coming in from this side of the table.

Would you like to add anything further? I know we distracted you from your prepared statement. Would you like to add anything further at this time before we move on to Mr. Simon for a complete statement from him as to the investigative procedures of the Post Office Department?

MR. O'BRIEN. Well, I can say this: That our problem in dealing with these matters comes into a great variety of indecent matters. For instance, we not only have these obscene movies which you have heard a lot about today, these photographic records of indecent conduct, both between men and women, and sometimes between persons of the same sex, these deviate activities, but what you might call the very lowest and most heinous kind of indecency, but you have other categories of indecent matter which are a great problem, I think, and which predispose the mind to accept, and perhaps embrace, the more horrendous forms of obscenity.

You have the beginning of obscenity introduced to the young, and I presume to the susceptible adult in certain types of periodical literature, which deal in sex crimes and strip-tease picture, and also in the sale of slides and post cards, and all kinds of printed matter, drawings, and pamphlets and books about sex, which are often sold under the guise of education, which really are sold and advertised in such a manner as to lead the readers to buy them as pornography.

One of these on the border, Illustrated Sex Facts, we have a pending matter on that. We are proceeding in the Congress and all over the country.

As Mr. Simon brought out, there are a great quantity of complaints against that very company, which I won't name, but you can see it illustrated. That is part of a page.

The left-hand page is the advertisement of a sex book, and the right-hand page is part of the contents of the girlie striptease type of magazine in which these people love to advertise, which Irving Klow advertises in, and a great many people advertise who want to make money out of selling these types of so-called educational matter.

So you have what you might call a pseudo educational sex book, which is really something to describe sex, describe the intimacies of normal and abnormal intercourse.

And of course, I understand and appreciate, and I have recognized and so said, that sex educational texts have their place, but not in the indecent. This is a different approach. This uses that which it is proper to know for improper purposes.

Then we have a sex crime magazine, a little pocket sized magazine which is sometimes borderline. We have a great deal of trashy, obscene literature which, little by little, breaks down the resistance of the decent minded, the very worst type of stuff we have to deal with here.

And we in the Post Office Department are trying effectively to enforce a law against the use of the mails for such matter, if we can hold it to be indecent and be supported by the courts.

That comprehends, in my view, as great and as pernicious a volume of obscenity, and as pernicious an attack upon the morals of the young as you will find in the more expensive—perhaps more than the various expensive filthy matter that you have to confront, because it breaks down the general moral fiber, as I say, and the resistancy which the normal mind has to indecency.

MR. CHUMBRIS. Now, Mr. Sam Roth, who is the publisher of the matter which you explained in this particular chart, and who was explaining, for instance, this particular exhibit, which shows a drawing of a naked man and a naked woman in a very, very compromising embrace, and is this particular advertisement which did get into the hands of minor children, which was sent to our subcommittee by the irate parent: he pointed out that such a drawing, even though it got into the hands of a juvenile, would not have any effect on them, although it would have an effect on somebody over 25 years of age.

Would you agree with his thinking on that particular point?

MR. O'BRIEN. No; I do not agree with his thinking on that particular point, or any point, for Mr. Roth has been a constant source of trouble to the Post Office Department for a long period of years.

And while he tells me that he is in effect an apostle of propriety, I am unable to accept his statement, because every circular, pamphlet, book or picture which has emanated from his establishment has been of the nature which I have considered tending to degrade the morals of the public.

MR. CHUMBRIS. Are there any other particular charts there, Mr. O'Brien, that you would like to explain to us at this time? I see that you have some very beautiful charts, and one that has taken quite a bit of effort on the part of the Post Office Department to put together.

MR. O'BRIEN. Well, we tried to assemble—I am afraid rather hastily—some sample of the literature about which we have complaints from juveniles being the addressees.

This is the Turlanes case.

I don't know any others that I can talk about, because some of them are still pending cases.

MR. CHUMBRIS. Would you like to read a sample letter from an irate parent?

MR. O'BRIEN. Well, there are a lot of them here.

MR. CHUMBRIS. This is merely a cross-section of what the Post Office Department has received; is that correct?

MR. O'BRIEN. Very small sample; yes, sir.

I have one here which was sent to a 12-year-old girl, and to a 15-year-old girl, a 13-year-old boy—I don't know whether these people are willing to have their complaints incorporated in the record, or their names.

MR. CHUMBRIS. You can omit the names; just read the contents.

Most of these were mailed to teen-age boys, 17, 13, and 1 was mailed to a 12-year-old child. In fact, one child wrote in and said, "I am a 16-year-old girl, and I received the sex advertisement in the mail, and I want to know why it was sent to me." The children themselves resented this.

And, of course, another thing that I should mention is that apparently the mailing lists which are used by many of these people include the names of those that are registered at prep schools and academies,

and such places. And they hope that some of the boys will buy sets of these dirty pictures and dirty pamphlets and circulate them among the student body, and thereby make a lot more sales.

Mr. CHUMBRIS. Mr. O'Brien, there was testimony adduced at our previous hearing which indicated that Mr. Irving Klaw, whom you mentioned earlier in your testimony, had at least, I think, 60 percent of his mailing list made up of young girls between the ages of 6 to 16 for the movie stills.

He is known as one of the kings of the pinup girls.

Now, that means that Mr. Klaw could use that mailing list also for the distribution of his circulars, such as the circulars you have on these various exhibits.

Mr. O'BRIEN. Yes, sir.

And I might say that Mr. Klaw is the most prolific producer and the most regular printer of illustrated circulars showing these torch pictures and so-called pinup—women wrestling; women, of course, in suggestive attitudes; women boxing; women strolling with each other; women tearing each other's clothes off—we have movies which we can show the committee.

Mr. CHUMBRIS. Mr. O'Brien, the technical name for some of those pictures is fetish, bondage pictures; is that correct?

Mr. O'BRIEN. They are bondage, or fetish pictures, where the girls are tied up or being spanked or beaten, or where they wear heavy leather boots, or other equipment which tends to exhibit the activity of their limbs.

That, of course, is his principal stock in trade.

Mr. CHUMBRIS. I show you here an exhibit which was introduced in the previous hearings, showing a catalog put out by Irving Klaw, the pinup king.

Are these examples of the type of advertisements that go throughout the country, and many of them reach minors?

Mr. O'BRIEN. Yes, sir. This is a very good sample of a large catalog.

He also sells a smaller catalog frequently.

Mr. CHUMBRIS. Would you please read into the record some of the types of pictures as he personally describes them in his own catalog?

Mr. O'BRIEN. Well, one caption here is entitled "New Cheesecake Photos," photos of models showing various poses. Movies No. 254, "Chris Strips for Bed;" "Our new high heel movie entitled 'Chris Strips for Bed,' starring new model Frisk Penneas." And it is available in both 8-millimeter and 16-millimeter size.

Mr. CHUMBRIS. About some of the bondage pictures, does he have some of those portrayed in that catalog?

Mr. O'BRIEN. May I say, before I answer that, that I just had a day-long conference with a psychiatrist attached to one of the larger courts in this country, who discussed these pictures and pointed out the fetish aspects, the sexually stimulating fetish features like the high heels and the boots.

Mr. CHUMBRIS. Would you give that doctor's name, please.

Mr. O'BRIEN. I want to use him as a witness. Do you mind if I don't give it right now?

Mr. CHUMBRIS. Might I point out, in the testimony on these particular pictures Dr. George Henry of Cornell University testified to the fact that these particular pictures have a greater effect, an impact,

on certain sudden persons than a nude picture or a picture with slight clothing.

Would you agree?

Mr. O'BRIEN. My information, from many cases involving conferences with psychiatrists and others, is that they incite people to crime.

Mr. CHUMBRIS. That is the bondage and fetish people you are referring to?

Mr. O'BRIEN. That is right.

As I said before, I have issued a complaint against Mr. Klaw, and I have a copy here.

Senator LANGER. I think you have read the testimony of J. Edgar Hoover on this matter, too.

Mr. CHUMBRIS. Mr. Simon, we didn't get to your particular statement but asked certain questions of you. We would like for you to make whatever comments you would like to make at this particular time on your activity on behalf of the Post Office Department to curtail pornographic matters from getting into the mails.

Mr. SIMON. We subscribe to a large number of magazines, and also purchase a number of magazines on the newsstands. These magazines are examined for ads of suspect dealers in obscene matter, and such advertisements are used as a basis for a large number of our investigations.

These investigations are conducted through the use of fictitious names and what is known as test correspondence. As a result of such correspondence, I have used, oh, possibly 200 names in connection with this work. As a result, these names have gotten on mailing lists of various dealers in obscene matters, and we have seen a large number of circulars from all parts of the country.

Such circular matter is also made the basis of investigation. In addition, we get thousands of complaints from the public during the course of the year, from persons who have received such literature, and including a large number from parents of juveniles.

We examine our files, and if there is no investigation under way, we do institute an investigation. So we do make an investigation of every case that is brought to our attention, either in the form of advertising or, either through periodical advertising or unsolicited circular matter, as well as complaints from the public.

We don't have any particular difficulty with the extremely pornographic matter, such as Inspector Blick described this morning. Most United States attorneys don't prosecute in that type of case. But we very rarely will get a United States attorney to authorize prosecution in connection with this type of matter, over which we have most of our difficulty.

Senator LANGER. The United States attorneys have got to obey the Attorney General. What is the attitude of the Attorney General on it; do you know?

Mr. SIMON. They are quite upset over a lot of complaints that have been received, and it is left up to the individual United States attorneys as to whether they desire prosecution. But most United States attorneys, with respect to this type of matter, feel that they will not be successful in prosecuting.

Most of our difficulty is in the larger cities, and we feel that if we could get legislation that would permit prosecution at the offices of address, we would be able to curb a number of these.

I have for the past 6 or 7 years been endeavoring to obtain a conviction at the office of address in connection with the mailing of obscene matter, that is, prosecute the mailer at the office of address under sections 1461 and 3237.

Section 3237 states that where the mails are used, it is a continuing offense, and prosecution can be instituted at the office of mailing address or any point through which it passes.

We have obtained a number of indictments in various jurisdictions, but almost invariably the defendants have entered a plea of guilty. And we have had very few contested cases. But in one case of the larger dealers in obscene matter, we had an 82-count indictment returned in the State of Kansas approximately 4 or 5 years ago, against one of the larger dealers in this type of material, stuff such as is displayed here. They were completely nude, but not the action type of photograph, or motion picture film.

The judge in the district court held that the offense was complete when the matter was deposited in the mails in California, and he dismissed the indictment. The case went up to the court of appeals at Denver, and the court of appeals sustained the lower courts.

Now, we have introduced legislation, as Mr. O'Brien mentioned, which is pending before the budget now, as I understand, to permit prosecution at the office of mailing address or any point through which it passes, that is, amended the basic law of 1461, which would overcome the objection raised by the court of appeals.

Senator LANGER. Would you write a letter to Budget Bureau—ask Senator Kefauver to send a letter to the Budget Bureau, enclosing some of these pictures? I think it would influence the Bureau to give its consent to favorable legislation on this.

Mr. SIMON. I think that legislation was introduced last session and never left the budget.

Mr. CHUMBRIS. Do you remember the number of the bill?

Mr. SIMON. No, unless Mr. O'Brien has that.

Mr. CHUMBRIS. What was the number of that bill during the last legislature?

Mr. O'BRIEN. Which bill?

Mr. CHUMBRIS. The one which makes it an offense on both ends.

Mr. O'BRIEN. I don't know.

Mr. SIMON. I might possibly have that confused with the impounding bill.

Mr. O'BRIEN. The impounding bill is 174 of this Congress.

Mr. SIMON. That is in this Congress, too?

Mr. CHUMBRIS. Mr. Simon, on this question of the United States attorneys being reluctant to prosecute on the Klaw type of a picture that is being sent through the mails, since the Soliday investigation and conviction in Baltimore in May of this year, don't you think that that would encourage their action also against pictures put out by Klaw that are sent through the mails?

Mr. SIMON. Since that hearing up in New York I am beginning to notice more sympathy from the United States attorneys.

Mr. CHUMBRIS. You will note that Mr. Klaw did not testify as to his activities, but took advantage of the immunity clause of the fifth

amendment when he was called as a witness in the hearings in New York.

Mr. SIMON. I recall that.

Mr. CHUMBRIS. Have you anything further to add at this time, Mr. Simon?

Mr. SIMON. I might mention a case which just came to my attention about 6 weeks ago. It is the first time in my experience where I have found a minor involved in the sale and distribution through the mails of extremely pornographic matter.

In the middle of April I caused the arrest of a 16-year-old high-school boy, who had just turned 16 in April, for engaging in the sale of extremely pornographic matter. He mimeographed and sent through the mails a large number of lists of approximately 51 pornographic post picture films.

And that boy came from a very fine family, mother and father separated. The mother knew that the youngster was engaged in the mail-order business, but he developed this extremely pornographic business about last August, I think he said, the latter part of August, and since then up to the time of his arrest he sold over \$3,000 worth of pornographic film.

We have ascertained from the boy his source of supply, and that matter is now before the United States attorney at Los Angeles, in which district the supplier was located.

Mr. CHUMBRIS. Mr. Simon, I would like to ask you, the testimony that you are receiving now, the psychiatric testimony, has it been to the effect that the fetish and the bondage type of a picture is one that is sufficient to come within the definition set forth by our courts as to what constitutes obscene and lewd?

Mr. SIMON. Well, there has been considerable difference of opinion on that particular score. I have spoken to several psychiatrists, and while they feel that it has a demoralizing effect on the persons whose minds are open to such type of material, they have been reluctant to testify.

Now, as Mr. O'Brien said, we discussed this matter with one of the leading psychiatrists in the country, who will testify for us in this Klaw case.

Mr. CHUMBRIS. May I point out that in the Soliday case in Baltimore, the psychiatrist definitely testified it was upon his testimony that the jury brought in a verdict of conviction; that bondage pictures and fetish pictures were sufficient to incite lust, and thereby came within the definition of the court.

And also, the psychiatrist, Dr. George Henry, from Cornell University, testified to the same effect. And I believe, if you examine the testimony of Dr. Karpman, from St. Elizabeths Hospital, you will find that this testimony was supporting the position of the other two psychiatrists, which would indicate that the trend of psychiatric thinking would be sufficient to obtain convictions in the type of pictures that are being sent through the mail by Mr. Klaw.

Mr. SIMON. I have discussed the Klaw case with Dr. Karpman on several occasions. I had also interested the United States attorney over in Baltimore in the prosecution of Klaw in the district of Maryland.

But after the decision of the court of appeals in Denver, holding that you can't prosecute the mailer at the post office of address, we had to give up that particular phase.

The United States attorney at New York has declined to proceed.

Mr. CHUMBRIS. Could you give us the sort of material that this 16-year-old boy was distributing that you are referring to?

Mr. SIMON. It is a dealer in the vicinity of Los Angeles. The matter is now before the United States attorney at Los Angeles. The man has not been arrested, to my knowledge, and is awaiting action of the grand jury.

Under those circumstances, I don't think you want to make his name public.

Senator LANGER. We do not.

Mr. SIMON. I will be glad to tell you his name in private.

Mr. CHUMBRIS. I have no further questions.

Senator LANGER. I want to thank everybody that was here today. I want to thank especially the attorney general from North Dakota for coming down here. I want to thank him for giving us the benefit of his experience.

I want you to know, on behalf of Senator Kefauver, that we appreciate your cooperation.

I want to thank the post office authorities. We appreciate the kind of cooperation we have received from you everyplace, whether it has been Los Angeles, New York, or wherever it was, we found we could rely upon you to help us out.

Mr. SIMON. The chief inspector is anxious to cooperate with everybody.

Senator LANGER. This hearing is adjourned.

(Whereupon, at 4:10 p. m., the hearing was adjourned.)

JUVENILE DELINQUENCY

(Obscene and Pornographic Materials)

SATURDAY, JUNE 18, 1955

UNITED STATES SENATE,
SUBCOMMITTEE TO INVESTIGATE JUVENILE
DELINQUENCY, OF THE COMMITTEE ON THE JUDICIARY,
Los Angeles, Calif.

The subcommittee met, pursuant to recess, at 9:40 a. m., at room 518, United States Post Office and Court House Building, Los Angeles, Calif., Senator Estes Kefauver presiding.

Present: Senator Kefauver.

Also present: James H. Bobo, counsel; and William Haddad and Carl Perian, consultants.

Chairman KEFAUVER. This morning the subcommittee will study the relationship of pornographic materials to juvenile delinquency. Hearings on this subject have already been held in New York City and Washington.

Last year the subcommittee, during its community hearings, discovered that pornography was getting into the hands of children. When the work of this subcommittee was resumed this year, we decided that a further study of this situation was long overdue.

Our contention was fortified by letters from every section of this country, complaining about the pornographic materials reaching children.

Psychiatrists called before the subcommittee testified that a direct relationship between pornography and juvenile delinquency existed. A 110-percent increase in sex crimes may be attributed, in part, to these materials.

Undoubtedly, pornography is one of the contributing factors to the increase in juvenile delinquency and sex crimes in the United States.

This business thrives on the young inquisitive mind, and the pornographers slant much of their materials to children.

Society is often derelict in providing the proper sex education for our youngsters. When a child doesn't have this proper sex education, he is forced to search in the gutter for his information. In the gutter he finds this filth.

The abnormal is portrayed as the normal. Adults engage in illicit acts, lending prestige to the situation and creating the wrong impression in the child's mind.

One shocking fact uncovered by this subcommittee is that pornography is big business in the United States. Conservative estimates place the gross sale of these materials at three to four hundred million dollars a year. Much of this money comes from the lunch and allowance money of our children.

This traffic exists because of gaping loopholes in Federal legislation.

Under present laws, a pornographer cannot ship his materials through the mails. But he can load up a truck and move his filth across State lines with complete ease.

If the Congress acts on our recommendations, this situation will be cleared up.

Postal and custom laws must also be tightened. After these hearings, our recommendations will be presented to the Congress.

But not only has the Federal Government been derelict in its duties; local communities have failed to protect our children from these pornographic materials.

These big-business pornographers are often let off with slight fines and suspended jail sentences. One of the biggest operators in the country—a man our subcommittee investigators have tracked throughout the East—was recently released on a \$50 bail which he forfeited. He will soon be arrested in another community, if the pattern of his past activities is any indication. And he will probably be let off with another slight fine. Most communities have no way of knowing about this man's vicious activities.

Every community in this country must look at its own laws and investigate its own situation. Only through an alert public opinion can these pornographers finally be stopped.

Here in California the subcommittee is exploring another phase of this vast business—that of the mass mailing of pornographic and semipornographic materials.

Our preliminary investigations indicate that much of these materials are mailed here in California.

Numerous reports have reached our office complaining that these materials were mailed to children as young as 10 years. The post office, too, has received similar reports.

Several witnesses appearing before us in New York City used the privilege of the fifth amendment in refusing to answer our questions. Members of the subcommittee felt that this privilege was improperly used and we have recommended that certain witnesses be cited for contempt of Congress. Certain other witnesses will be charged with perjury.

I hope that our witnesses today will consider very carefully their decision on whether or not to cooperate with the subcommittee's investigation.

Pornography is a difficult subject to talk about. Certain dangers arise from spotlighting this situation. But do we hide our heads in the sand like an ostrich? Or do we bring out the facts in the most candid manner, and have the warm sunlight of public opinion act to stop this menace? I think we must proceed forward with this study and rely upon the good judgment of our citizenry. It is far better to see and stop than to close our eyes and let this business grow and grow.

At this point I want to thank very much the Los Angeles Police Department and also the postal inspectors who have been of great help to us. They have cooperated wonderfully with our subcommittee, and they are very alert to the problem that is with us out here in southern California; have been taking active and affirmative measures to do something about it. They have been very thorough and painstakingly helpful to the staff of our subcommittee in working up

the hearing today. Also the sheriff's office and several of his deputies have been very fine to us.

Mr. Bobo, who is our first witness this morning?

Mr. BOBO. Mrs. Mary Dorothy Tager.

Chairman KEFAUVER. Mrs. Tager, will you come around and will you hold up your hand.

(Mrs. Tager was sworn.)

Chairman KEFAUVER. All right, Mr. Bobo. We want to give everybody a chance to be heard and develop our case as fully as possible. This is Saturday and I know that everybody would like to get away as soon as we possibly can, so you interrogate Mrs. Tager.

TESTIMONY OF MARY DOROTHY TAGER, BALBOA, CALIF.

Mr. BOBO. Mrs. Tager, would you state your full name and your address and where you are presently living for the record?

Mrs. TAGER. Mary Dorothy Tager, 2100 Ocean Boulevard, Balboa, Calif.

Mr. BOBO. Mrs. Tager, are you married? Do you have a family?

Mrs. TAGER. I am not married; I am divorced. I have a family. I have a girl, Dorothy, 17. I have a boy, David, 15.

Mr. BOBO. Mrs. Tager, have you ever been engaged in a mail order business of sending photos and other things through the mail?

Mrs. TAGER. Yes, sir; I have.

Mr. BOBO. At what time did you begin in this business?

Mrs. TAGER. Well, I would say some time later in 1948, and I was active in the business up, oh, until some time in 1951.

Mr. BOBO. Were you in the business by yourself?

Mrs. TAGER. No; I was in with my ex-husband and a partner.

Mr. BOBO. And under what trade name did you operate this business?

Mrs. TAGER. Well, actually, under several. We operated under Stand-Out Products, Novel Arts, T and R Sales. They are the main names we operated under. We also operated under, oh, many hundreds, I guess, of fictitious names.

Mr. BOBO. In this business what was the merchandise which you sold, Mrs. Tager?

Mrs. TAGER. I sold nudes, straight nudes, nothing pornographic, consisting of slides, black and white films, 8 and 16 millimeter, 50, 100, 400-foot reels.

Mr. BOBO. Would you put the microphone over closer to you?

Mrs. TAGER. My nudes were nudes. I mean, as you would see on any calendar. It was not nothing—

Chairman KEFAUVER. Mrs. Tager, will you talk a little louder so we can all hear? Pull the microphone a little closer to you.

Mrs. TAGER. As I say, my nudes were straight nudes. They weren't what you could classify as pornographic. They were no different than you would see on any calendar or any magazine you pick up on a newsstand.

Mr. BOBO. In these nudes which you sold, many of them were in various suggestive poses. Would you mean by the fact that they were not pornographic, was that they might not be considered under the present laws pornographic?

Mrs. TAGER. Well, no. Personally I don't consider a picture of a nude woman as pornographic. I think it definitely depends on the

way the woman is posed or—now, to me pornographic material would be more in a strip sequence that would be very suggestive, more so than a straight nude.

Mr. BOBO. Did you sell these particular nudes and novelty cards through the United States mail?

Mrs. TAGER. Yes, sir.

Mr. BOBO. How would you secure the names of customers to whom you were sending this?

Mrs. TAGER. Well, there are many sources. Of course, magazine advertising is one of the main sources of your names. There are many ads appearing even today in magazines or comic books, which is more or less a come-on actually for nude picture buyers. So over a period of time from the replies you get from these various magazines, you accumulate a very large mailing list.

Mr. BOBO. Do you buy these mailing lists from other persons, from the publishers of so-called legitimate magazines?

Mrs. TAGER. Yes; that can be done. That can be done.

Mr. BOBO. Did you ever purchase any mailing addresses from any of the so-called legitimate magazines?

Mr. TAGER. No. I purchased mailing names from Mosley, who was—well, that is a legitimate place of business where they—

Chairman KEFAUVER. I didn't understand that name. Mosley?

Mrs. TAGER. Mosley.

Chairman KEFAUVER. How do you spell it?

Mrs. TAGER. M-o-s-l-e-y, I believe.

Chairman KEFAUVER. And where is Mosley's establishment?

Mrs. TAGER. Well now, he is through the Middle West somewhere. Offhand I couldn't tell you.

Chairman KEFAUVER. You mean—

Mrs. TAGER. I have forgotten just where it is; it has been so long.

Chairman KEFAUVER. What is the official name of the company, Mosley?

Mrs. TAGER. Mosley Mailing Lists, I imagine.

Chairman KEFAUVER. Mosley Mailing Lists?

Mrs. TAGER. Yes. That is a legitimate house where they sell mailing lists to anyone that has anything to sell.

Mr. BOBO. You don't know what city in the Midwest he is located in?

Mrs. TAGER. Offhand, I don't. I don't—it's been so long since I have contacted this concern.

Mr. BOBO. In buying mailing lists from Mosley or from others, was there any specification as to the names that would appear on these mailing lists, as to the type of people whom you wanted to mail to?

Mrs. TAGER. Well, yes. If you were going to buy a mailing list, naturally you would buy a list of men buyers who were interested in similar merchandise.

Mr. BOBO. Did you make any effort to determine, when you received the mailing list, as to just who the people were; whether these were men buyers? Included on these mailing lists would be names of men and women both, wouldn't there?

Mrs. TAGER. Yes; that is true.

Mr. BOBO. Most of these mailing lists were really just compilations of names and addresses without any specification that they be people who purchased nude photographs?

Mrs. TAGER. Oh, that is true. That is true. I mean there would be no actual way of knowing. You would only have the person you bought the names from, you would only have their word that they were buyers of merchandise that would be similar to what you were selling.

Mr. BOBO. Mrs. Tager, I want to get back to the mailing lists in just a moment; but, first, in securing these nude photos which you sent out through the mail, also the other novelty items, where would you secure the models for these photos?

Mrs. TAGER. Well, there are various places where models are gotten. I believe most of the models we used came from U. C. L. A., the college here.

Mr. BOBO. In using these girls, who did the photography work?

Mrs. TAGER. Well, there were photographers working for us. In other words, we would buy the negatives from the various photographers.

Mr. BOBO. The age of these girls which you used to pose for the pictures, were there any specifications as to the age that the girl would be?

Mrs. TAGER. Well, naturally, we weren't going out—I don't believe any photographer with any conscience is going to photograph a minor. I would say most of the girls run from 21 to maybe 25.

Mr. BOBO. Did you secure any of the models yourself at any time?

Mrs. TAGER. No; I never did. Mr. Tager used to shoot when we first went into business—he used to do his own shooting of the models, but then as we grew it wasn't profitable to spend time shooting the models. It was much more profitable to just buy the negatives.

Mr. BOBO. Did you ever purchase any negatives of nude photos from Andy's Agency here in Los Angeles?

Mrs. TAGER. No.

Mr. BOBO. Have you ever done any business whatsoever in purchasing photographs from an Andy Anderson?

Mrs. TAGER. No; I have never purchased anything from Andy Anderson. In fact, I know the man by sight only. I know very little about him.

Mr. BOBO. Have you ever secured any models through Mr. Anderson, or do you know whether or not your husband ever secured any models through Mr. Anderson?

Mrs. TAGER. I never did. Now, whether Mr. Tager did or not, that I could not say.

Mr. BOBO. On these negatives that you would buy from a photographer, who would do the printing of these materials for you?

Mrs. TAGER. Well, most of our printing was done at Quantity Photos. That is at Sunset and Western.

Mr. BOBO. Here in Los Angeles, Calif.?

Mrs. TAGER. Yes, sir; but most any—I found that most any photographic house that is set up to do work in quantity will do your work for you.

Mr. BOBO. Have you ever done business with any other photoshop?

Mrs. TAGER. Well, yes. In fact, there has been actually, I guess over a period of time, there has been quite a few.

Mr. BOBO. Do you have the names of any others with whom you might have done business?

Mrs. TAGER. Well, yes. There is quite a few. Frank Rode, he did some of our prints for us.

Mr. BOBO. Where is he located?

Mrs. TAGER. Well, I believe he is still at Keystone Studios on Olive right now.

Mr. BOBO. Here in Los Angeles?

Mrs. TAGER. Yes; and his place of business on East 12th Street. I know there were several others, but offhand I can't truthfully think of their names.

Mr. BOBO. What was the cost to you of the photographs which you would send out in a mail package?

Mrs. TAGER. Well, I am afraid I don't understand you on that. You would have to specify.

Mr. BOBO. You were selling a package. You advertised that you would sell a package of 6 nude photographs, or in whatever quantity you sold them, 1 photograph. What would be the cost to you of that photograph.

Mrs. TAGER. Well, that would be kind of difficult to break down. It could be done, but there would be quite a time to break that down in this respect. You would have to take your—after all, you have your employees, you have a terrific overhead. You have your advertising costs and everything. Of course, that is all——

Mr. BOBO. Well, Mrs. Tager, I was meaning from the producer of the photograph, the studio from which you bought it.

Mrs. TAGER. Yes.

Mr. BOBO. What was the cost to you of that photograph?

Mrs. TAGER. Well, I used to pay two-fifty a negative.

Mr. BOBO. Two-fifty a negative?

Mrs. TAGER. For one negative.

Mr. BOBO. From the negative, what was the cost of the finished and developed picture?

Mrs. TAGER. Well, various prices. One time I was paying \$11, and it was broken down as far as \$7 for a hundred.

Mr. BOBO. \$11 and \$7 a hundred?

Mrs. TAGER. Yes. At various prices.

Mr. BOBO. You bought them in large quantities?

Mrs. TAGER. Yes. Depending on the quantity, there would be a terrific breakdown.

Mr. BOBO. What was the quantity you usually purchased from them?

Mrs. TAGER. Oh, I might possibly go in with 25, 30, or 40 sets of 8, and have a thousand of each made up.

Mr. BOBO. You sold these——

Mrs. TAGER. Sometimes more, sometimes less, depending upon how the stock was depleted.

Mr. BOBO. And from these sets of 8 which you sold, they cost you \$7 a hundred?

Mrs. TAGER. Yes.

Mr. BOBO. And you sold them for what, Mrs. Tager?

Mrs. TAGER. \$2 a set.

Mr. BOBO. \$2 a set?

Mrs. TAGER. Of eight, yes.

Mr. BOBO. Mrs. Tager, in mailing these photos through the mail, although you did not regard them as pornographic, you had a great deal of difficulty with the post-office authorities; is that right?

Mrs. TAGER. That is right.

Mr. BOBO. You attempted in many ways to avoid the various postal regulations dealing with mailing this type of material out to the country?

Mrs. TAGER. That is correct.

Mr. BOBO. When you would set up a business, such as I think at one time you operated the Paragon—was it Paragon Books?

Mrs. TAGER. No.

Mr. BOBO. What was the name of one of your businesses?

Mrs. TAGER. Stand-Out Products.

Mr. BOBO. The Stand-Out Products, would you rent office space?

Mrs. TAGER. For them?

Mr. BOBO. Yes.

Mrs. TAGER. Oh, yes; post office boxes, mailing addresses, post office space.

Mr. BOBO. Would you place advertisements in magazines or newspapers or any other media of advertising?

Mrs. TAGER. Yes.

Mr. BOBO. With whom would you place this advertising, would you place it with an agency or directly with the magazine.

Mrs. TAGER. No; through an agency, through an agency.

Mr. BOBO. What advertising agency did you use to place your advertising?

Mrs. TAGER. Well, at the time—most of my business was given to McKee, Burns & McKee.

Chairman KEFAUVER. Have her spell these names.

Mrs. TAGER. McKee, M-c-K-e-e, I believe.

Mr. BOBO. McKee—

Mrs. TAGER. Burns & McKee.

Mr. BOBO. Let's get that name clear, Mrs. Tager. It is McKee, Burns & McKee?

Mrs. TAGER. & McKee.

Mr. BOBO. Burns, B-u-r-n-s?

Mrs. TAGER. Yes.

Mr. BOBO. McKee, Burns & McKee?

Mrs. TAGER. That is correct.

Mr. BOBO. Where are they located?

Mrs. TAGER. They were on Western Avenue when I did business with them. Where they are today I couldn't say.

Mr. BOBO. You don't know whether or not they are still in business?

Mrs. TAGER. No; I don't know.

Mr. BOBO. At what date did you do business with them?

Mrs. TAGER. Well, I would say through, oh, somewhere around the end of '49, '50, and possibly part of '51.

Mr. BOBO. Did you prepare the advertising copy that would be used in the various magazines?

Mrs. TAGER. Both my husband and I.

Mr. BOBO. Was there ever any question asked you as to the type of merchandise which you were selling through this advertising?

Mrs. TAGER. No; I can't say that truthfully we were questioned too much about what we were selling.

Mr. BOBO. In drawing these ads and preparing the advertising copy, it was your idea to make them as sexually suggestive and as sexually attractive as possible, would you say?

Mrs. TAGER. Oh, yes. After all, we were advertising material that the buyer hadn't seen. Any ad has to be—well, an ad is a come-on to buy the materials, so naturally our ads, we would go as far as possible with them.

Mr. BOBO. In this ad there was a suggestion, generally, that it might be pornographic in nature or be more than just a plain strip photo?

Mrs. TAGER. No. I more or less don't believe that. I do believe that when a person, an individual, answers an advertisement, a magazine, say, for a pinup, I believe he expects eventually to get nudes; but I don't believe that he completely expects to get pornographic pictures. I think a great majority are satisfied with just a nude.

Mr. BOBO. Do you know the names of any of the magazines in which your advertisements have appeared?

Mrs. TAGER. Yes; there are many. I mean, all of the girlie magazines they have appeared in.

Mr. BOBO. You speak of girlie magazines. You are speaking of what type of magazine?

Mrs. TAGER. Well, you have got Pic and See and Hit and Miss and Male and Man and all that.

Mr. BOBO. That type of publication?

Mrs. TAGER. All that type of magazine.

Mr. BOBO. Did they play in any so-called romance magazines?

Mrs. TAGER. We have had a few ads in those magazines, but they never proved profitable.

Mr. BOBO. Did they ever appear in any of the comic-book type of magazine?

Mrs. TAGER. Not that I know of; no.

Mr. BOBO. Did you specify any particular type of magazine in which they would appear?

Mrs. TAGER. Well, naturally a magazine that would be full of pinups is the best medium for you to get your customers from. Where they have magazines that are full of pinups, if they want more they would answer your ad and then you have a buyer for your nudes.

Mr. BOBO. You also advertised, in addition to the strip series of photos which you made, movies of nude girls?

Mrs. TAGER. Yes, sir.

Mr. BOBO. Weren't some of these movies of nude girls in rather suggestive poses or rather suggestive or sexual or sensual actions?

Mrs. TAGER. Well now, that would be debatable. To my way of thinking, no.

Mr. BOBO. Well, they don't just have the girl standing there with a movie camera.

Mrs. TAGER. No, but actually there aren't too much on those movies.

Mr. BOBO. The girls go through some sort of contortions or dances or some type of action?

Mrs. TAGER. Yes. I had one that did a swimming act in the water. That to my way of thinking was quite—it was very good. I mean, there was nothing that could be classed—I mean, you could go to a moving picture show and see practically the same thing today.

Mr. BOBO. Except for the fact that they would be dressed?

Mrs. TAGER. Well, sometimes they are not always dressed completely.

Mr. BOBO. Would this particular ad be a representative ad of the type of ad which you used in your magazine?

Mrs. TAGER. Yes.

Mr. BOBO. And that would be designed more or less to show various girls in various acts, dances, and so forth?

Mrs. TAGER. Well, that could be, yes.

Mr. BOBO. And it was designed not to appeal particularly to the patrons of the arts, but more to those who prefer some emotional stimulation from these pictures?

Mrs. TAGER. Well, that again is debatable, because my mailing list, over 60 percent of my customers were doctors.

Mr. BOBO. Do you know how many——

Mrs. TAGER. They are professional men, so——

Mr. BOBO. Excuse me.

Mrs. TAGER. So I kind of doubt—I mean, that—well, maybe a picture like that would tend to excite them. I really don't know.

Mr. BOBO. This particular type of picture appearing in a magazine, do you think that might attract a sexually inquisitive youngster to buy something to find out about sex?

Mrs. TAGER. Well, it is possible. Of course, I have always been on the theory, when I was in business, that a child—if your prices were high enough, a child would not have the money to come ahead and send for your material. A quarter he would have, or 50 cents or a dollar; but if your material is high enough, I think that in itself more or less scares some of the children away from buying the material. Of course, most children today have quite a bit of money.

Mr. BOBO. Well, your strip series set, the photos sold from what, \$2 a set?

Mrs. TAGER. But they weren't strip. I didn't handle strip photos. Mine were strictly nudes.

Mr. BOBO. Well, a strip of nudes?

Mrs. TAGER. Yes.

Mr. BOBO. And here you have a special, 48 different photos for \$10.

Mrs. TAGER. No.

Mr. BOBO. Which would not be out of reason of any of the children in this country today?

Mrs. TAGER. Well, that is true.

Mr. BOBO. And on your order form which I have here there is no request that the person sending in for any of your photos list his name or, I mean, list his age?

Mrs. TAGER. Well, even if he did, it wouldn't do much good; because you can take a boy 17 years old and it is pretty hard to tell if you get an order from him through the mail whether he is 17 or 70. He is not, naturally, going to put his age down as 17; so I never felt—well, for a while there, in fact, I sent out an inquiry slip before I ever sold any of my nudes. When I would get a reply from a magazine, I would send a pinup in reply to that ad, and before I would send a person a come-on letter like that for the nudes I would send a letter of inquiry with the age and everything on it, and I always asked if they were photographers or artists, sculptors; and it was amazing all the doctors were artists.

Mr. BOBO. Mrs. Tager, what you mean is that every one you received from an ad like this you would send out an inquiry to determine whether he was a doctor or a lawyer?

Mrs. TAGER. No; to determine his age. To determine his age, what he was interested in, whether it was film, slides, or black and whites.

Mr. BOBO. For what reason would you like to determine the age of the customers?

Mrs. TAGER. Well, I only had one purpose at that time. I felt that if I was ever in trouble and I was accused of selling to minors, these coupons that I kept with the ages of the different individuals, I always felt that they would be more or less in my favor. In other words, that I was trying to keep children out of my files.

Mr. BOBO. That was in the mailing lists in which you bought. Suppose a child had sent—this was a letter that you sent out; this wasn't a magazine ad; would that be correct?

Mrs. TAGER. No; this is not one of mine, unless this was sent out after I retired from the business. That is quite possible.

Mr. BOBO. Did any of your ads ever suggest such as this: You must have Georgia in the nude. Georgia has been named the show-girl of the year because she has so much to show and she knows how to show it. You will sit and sigh over her beautiful figure and what she does with it. She is your open door to a girl's private life.

Mrs. TAGER. No; I am afraid my advertising wasn't quite that strong.

Mr. BOBO. Well, most of the advertising that you see in this particular business, that would give the idea that these are just not straight nude scenes?

Mrs. TAGER. That is true. That is very true.

Mr. BOBO. And for a sexually inquisitive youngster of 12 or 16—

Mrs. TAGER. Well, he would really think he was getting something.

Mr. BOBO. Yes, ma'am. This is another copy of a letter. Is that one of the particular types of mailing advertising which you sent out?

Mrs. TAGER. No. I am afraid this is another one that was sent out after I left the business.

Mr. BOBO. Are you acquainted—

Mrs. TAGER. Although I have seen this before.

Mr. BOBO. Are you acquainted with the Mr. Ross to whom these orders are addressed to?

Mrs. TAGER. Yes. He was associated with my husband and I.

Mr. BOBO. What is Mr. Ross' full name?

Mrs. TAGER. I believe his true name is Rosenblatt, Rubin Rosenblatt. We know him under the name of Roy J. Ross.

Chairman KEFAUVER. Get that spelled.

Mr. BOBO. Rubin, R-u-b-i-n?

Mrs. TAGER. I believe that is his name.

Mr. BOBO. How do you spell Rosenblatt?

Mrs. TAGER. Well, I imagine R-o-s-e-n-b-l-a-t-t.

Mr. BOBO. And you knew him as what?

Mrs. TAGER. Roy J. Ross.

Mr. BOBO. Where did Mr. Ross reside?

Mrs. TAGER. Well, that I could not tell you right now. I don't—the last address I had was 4100 Goodland Avenue.

Mr. BOBO. What was that street again?

Mrs. TAGER. 4100 Goodland, G-o-o-d-l-a-n-d, Avenue in North Hollywood; but whether he is still there or not I wouldn't know.

Mr. BOBO. The original mailings, in receiving the orders and so forth from the various magazines in which your ad appeared, there was no effort upon your part to determine the age or the type of person that was getting the material?

Mrs. TAGER. Well, yes; there was.

Mr. BOBO. If I sent in an order to you from one of these magazines and enclosed my \$10——

Mrs. TAGER. Yes.

Mr. BOBO. Would I get a letter of inquiry back as to my age, or would I get the strip photos or whatever other merchandise you had to sell?

Mrs. TAGER. Well, no. When you place an ad in a magazine—of course, I am going by my own experiences; what some of the others do might be entirely different. When an ad is placed in a magazine and you, perhaps, answer the ad, you send me a dollar. Well, naturally, for that dollar you are not going to get nudes. You get four pinup pictures. Your name is kept on file, and in order for me to keep or try to keep children out of my files, I would send them a letter of inquiry as to their age, and I would get that letter of inquiry back from them before I would attempt to send them any of these advertising pieces for nudes.

Mr. BOBO. The original was just a come-on?

Mrs. TAGER. That is right.

Mr. BOBO. And actually it was more or less a fraudulent ad because the person got not what he thought he was asking for?

Mrs. TAGER. Well, that is very true.

Mr. BOBO. Because the material which was sent to him did not meet the description——

Mrs. TAGER. But if you had sent it through the mail with a description, you would have been closed by the Post Office Department, too; so you had it one way or the other.

Chairman KEFAUVER. Well, when you would finally send the real thing, the nudes, did you send those through the mail?

Mrs. TAGER. Yes, sir.

Chairman KEFAUVER. You said that you tried to keep the age of children or secure it for a while. Did you give up that effort?

Mrs. TAGER. I did because I found, oh, several would come back to me in a handwriting that you could more or less tell that it wasn't a grownup's handwriting, and on the coupon the age might be marked as 26 or 30; so I finally felt that—I mean, it was kind of a useless cause, so I dropped it.

Chairman KEFAUVER. From that time on you would mail back to anyone who wrote in without inquiring whether they were kids or adults?

Mrs. TAGER. Well, of course, the girls that opened the mail were instructed to watch out for handwriting that did look juvenile; but, as I say, if they were 17 or 18 years old, he is still a juvenile, but yet you could not determine from his handwriting his age.

Chairman KEFAUVER. Well, if it looked like juvenile handwriting, would the dollar be sent back to him?

Mrs. TAGER. It would be sent back to him.

Chairman KEFAUVER. What explanation would you make?

Mrs. TAGER. "Out of business."

Senator KEFAUVER. All right. Go ahead, Mr. Bobo.

Mr. BOBO. You say you made a survey as to the number of juveniles that you would receive mail from. Did you receive mail from quite a number of people of the young age?

Mrs. TAGER. Well, now, of course, as I say, I am judging by the handwriting.

Mr. BOBO. You actually——

Mrs. TAGER. That would accompany the orders. There were quite a few. There were quite a few.

Mr. BOBO. What would be the size of the mailing which you would send out? What was the size of the business you did in the mail-order business? If you were attempting to send out any mailing at one time, what would be the number of mailings that you would make?

Mrs. TAGER. Well, now, that could vary anywhere from 20,000 pieces up to a couple of hundred thousand; even more.

Chairman KEFAUVER. And what is the biggest one you ever sent out?

Mrs. TAGER. Well, you see, I believe the biggest mailings from the business I was associated with, oh, I believe they were sending maybe a quarter of a million pieces a month.

Chairman KEFAUVER. A quarter of a million a month. Do you have a sample of the kind of things that were sent?

Mr. BOBO. Would this be a representative sample of the copy matter?

Mrs. TAGER. Yes.

Chairman KEFAUVER. Let those be made exhibits so we can have an idea what they were.

(The samples referred to were marked "Exhibit No. 33," and are on file with the subcommittee.)

Chairman KEFAUVER. How would they be sent, by postal permit or did you put stamps on each one?

Mrs. TAGER. Well, to begin with we were using the coil stamps, and then we went into the Pitney-Bowes machine with the permit.

Chairman KEFAUVER. First-class mail?

Mrs. TAGER. Yes, sir.

Chairman KEFAUVER. All first-class mail?

Mrs. TAGER. Yes, all first-class.

Chairman KEFAUVER. You had just one of these machines that printed the permit on it?

Mrs. TAGER. Yes.

Chairman KEFAUVER. Were they mailed here—of course, you did business in a lot of places. Some were mailed here—you will go into that, Mr. Bobo?

Mr. BOBO. Yes, sir.

Chairman KEFAUVER. All right. I see.

Mr. BOBO. What would be the average return from a mailing, percentage return on the mailing that you would make?

Mrs. TAGER. Well now, that, too, is a little difficult to answer in this respect: It would depend entirely on the mailing list that it was sent out on. On one mailing list you might expect 10 or 12 percent returns. Another mailing list you may get 4 or 5 percent returns.

Mr. BOBO. On the business which you did in sending out and the percentage of returns, what would be your figure as to the gross annual business which you did in a year's time for the year 1952 or the last year in which—

Chairman KEFAUVER. Say the peak year.

Mr. BOBO. The biggest year that you had, your peak year.

Mrs. TAGER. Well, of course, the peak came actually—actually the peak to this business came right after I walked out on the business and my husband and Mr. Ross, through my instructions and through another party's instructions, went all out; and I believe it is on record in the bank, something like \$750,000 in a period of a very few months.

Mr. BOBO. That is your husband and Mr. Ross?

Mrs. TAGER. Yes.

Mr. BOBO. And the third party was whom?

Mrs. TAGER. Well, I just say on the advice of a third party.

Mr. BOBO. Who was this third party? That was advice to you from a third party?

Mrs. TAGER. Yes. Yes.

Mr. BOBO. Well then, the biggest peak year in which you were connected with the business, what was the largest amount of deposits which you made in that year; your gross business?

Mrs. TAGER. Well, offhand that would be a little difficult to pin down right to a figure.

Chairman KEFAUVER. Well, just approximately; your best remembrance.

Mr. BOBO. Is it true that you did approximately \$3,000-a-day business?

Mrs. TAGER. During this peak, yes. As I say, we were taking in from three to four thousand dollars a day in the mails.

Mr. BOBO. That was on strip photos and movie films?

Mrs. TAGER. That is right.

Chairman KEFAUVER. What was it, a million-dollar-a-year business, you did, approximately that?

Mrs. TAGER. I would say so. Of course, as I say, the peak to this came after I was out of it due to illness.

Mr. BOBO. Mrs. Tager, in this particular business you organized a great number of companies under a great many different names, is that correct?

Mrs. TAGER. That is correct.

Mr. BOBO. Would each one of these companies be set up and have an office and be licensed to do business?

Mrs. TAGER. No, sir.

Mr. BOBO. Actually would it just be a name for the purpose of receiving mail?

Mrs. TAGER. That is correct, for possibly one mailing.

Mr. BOBO. And the address to which this mail would be sent, how did you determine the spot to where the mail would be sent and addressed?

Mrs. TAGER. Well, it would be—it is very easy to get a post office box. There are many legitimate telephone answering services or mail receiving services. There are many offices where you can rent desk space very cheaply. So we just went from one to the other until we finally ran out of them.

Chairman KEFAUVER. I don't understand. Until you ran out of what?

Mrs. TAGER. Of addresses around here locally.

Chairman KEFAUVER. You mean you just used up all the addresses you could find.

Mrs. TAGER. That is right.

Chairman KEFAUVER. How many did you use in the course of your business, do you know?

Mrs. TAGER. Well, I imagine the figure would probably run possibly 200 in the course of a couple of years.

Chairman KEFAUVER. 200 different addresses. These companies that you formed, were they corporate companies, were they required to register under the California law?

Mrs. TAGER. No.

Chairman KEFAUVER. In other words, you just pick up—you had a Stand-Out Co. Is that one of your companies?

Mrs. TAGER. Yes. That was registered.

Chairman KEFAUVER. But most of them would just be names that you would pick up and get a post office box and some kind of office space and address?

Mrs. TAGER. Yes, that is correct; but, you see, that address would only be used for one mailing.

Chairman KEFAUVER. Used for one mailing, and then you would get your mail there and move on somewhere else?

Mrs. TAGER. That is correct.

Chairman KEFAUVER. How long would it take to handle one mailing when you did get one of these addresses?

Mrs. TAGER. Well, by the 10th day you have most of your returns in from the day that your mail is mailed, so a mail address is good for approximately 2 weeks. Then you have no more use for it.

Chairman KEFAUVER. Then after you got your replies back, where would you respond from; the same address?

Mrs. TAGER. Well, yes. On your orders going out to the individual you would use the same address.

Chairman KEFAUVER. I know, but actually the orders were filled from your central office somewhere, weren't they?

Mrs. TAGER. Yes.

Chairman KEFAUVER. You only use the mail address to get the orders in and you took the orders to your central office for the fulfilling of them?

Mrs. TAGER. That is right.

Chairman KEFAUVER. Where was your central office?

Mrs. TAGER. We had several. We were at 141 North La Brea; we were at 14006 Ventura Boulevard; we were—let me see. We had another office on Ventura Boulevard, a large one. I can't think of the number right now.

Chairman KEFAUVER. And those offices would be where you had the supply of films and cards and all the mailing machinery?

Mrs. TAGER. Yes, sir.

Chairman KEFAUVER. How many did you have working in those central offices?

Mrs. TAGER. Well, of course, gradually as we grew we kept adding on help. I believe at the height of this operation there were close to 50, 51, 52; in that vicinity; of girls working for us outside, of outside typists.

Chairman KEFAUVER. You mean you had that many people in the office mailing out things and typing up, and then used a lot of outside typists, too?

Mrs. TAGER. Yes.

Chairman KEFAUVER. Where would you get the outside typists?

Mrs. TAGER. Well, through any agency. I mean, women that will type names in their homes, name lists, and things like that.

Chairman KEFAUVER. Excuse me, Mr. Bobo.

Mr. BOBO. So that we may clarify some of the profits that were made in this particular business, Mrs. Tager, would you say that these prices were the approximate prices paid and the approximate prices for which the material sold: That color slides cost you two and three-quarters cents each in 100 lots, and they were sold for \$3 for 6 slides?

Mrs. TAGER. That is correct.

Mr. BOBO. And that 50 feet of black and white 8-millimeter film cost 65 cents, which you sold for \$4?

Mrs. TAGER. That is correct.

Mr. BOBO. And 100 feet of 16-millimeter film cost you \$1.65 and sold for \$7?

Mrs. TAGER. That is right.

Mr. BOBO. And color film with sound sold for as much as \$70?

Mrs. TAGER. That is right.

Chairman KEFAUVER. What would that sound be?

Mrs. TAGER. Music.

Chairman KEFAUVER. You mean music to accompany the dancing or whatever they were doing?

Mrs. TAGER. Yes.

Mr. BOBO. And the volume of your business reached such a great extent at its peak, that the post office in—what is that, in Encino, Calif.—was raised from a fourth-class post office to a second-class post office?

Mrs. TAGER. That is true.

Mr. BOBO. Do you have any idea as to the amount of money spent for stamps by you in your organization in a year's time in the peak year?

Mrs. TAGER. Well, of course, I don't have any records or anything with me. I mean——

Mr. BOBO. Just approximately.

Mrs. TAGER. Well, there were many thousands of dollars. I mean, I really and truly couldn't give you an approximation on that.

Mr. BOBO. And the reason, Mrs. Tager, for the forming of all these companies and changing your address was so that you might avoid the unlawful orders and stop orders that the Post Office Department put out against you; is that correct?

Mrs. TAGER. Yes and no. Using all the different addresses had a different purpose, too. Naturally, a customer, when he buys material from you if it is not quite as risque as what he expects, he is not going to be a repeat buyer. Our purpose in using many fictitious names was for the purpose, more or less, to keep that customer buying.

Mr. BOBO. But if the post office——

Chairman KEFAUVER. Well, let's pursue that a minute. In other words, under one name, under one mailing address you would get a lot of names, and then you would sell them their orders, and you would use those same addresses with another name, maybe with a little dif-

ferent approach, to secure orders from the same people; they thinking that it was another company?

Mrs. TAGER. It is another company, that is correct.

Chairman KEFAUVER. And you had a lot of repeat buyers, I suppose?

Mrs. TAGER. Oh, yes, many.

Chairman KEFAUVER. How large a territory did your mailing list cover?

Mrs. TAGER. It was nationwide. Worldwide, in fact.

Chairman KEFAUVER. You mean you got orders from all States in the Nation?

Mrs. TAGER. All over the world.

Chairman KEFAUVER. All over the world? You mean Canada, Mexico?

Mrs. TAGER. Even Ceylon.

Chairman KEFAUVER. Even Ceylon. Wherever the mazaine went, why, you would get orders back?

Mrs. TAGER. That is correct.

Chairman KEFAUVER. Could you give us any estimate, say, in a peak year, how many orders you had?

Mrs. TAGER. Well, that, too, would be very difficult. They ran way up into the —

Chairman KEFAUVER. Hundreds of thousands?

Mrs. TAGER. Well, yes, I imagine they would, with all the increase from the different magazines; yes.

Chairman KEFAUVER. Hundreds of thousands of orders from the world over. Did you have special rates for orders from Ceylon and Canada?

Mrs. TAGER. Well, no. No. I received much, oh, an awful lot of foreign money; an awful lot of foreign money. Of course, much of it wasn't worth the paper it is written on. I mean, as far as the exchange, they would send the proper amount, but I would send the merchandise anyway.

Chairman KEFAUVER. You received a lot of foreign money back and you would send the merchandise anyway and get what you could out of the foreign money?

Mrs. TAGER. Yes.

Chairman KEFAUVER. Where did you bank the foreign money?

Mrs. TAGER. I didn't. I kept it as souvenirs.

Chairman KEFAUVER. Do you still have a lot of it?

Mrs. TAGER. No. My son has a collection, and I have given it to several of this boy friends to start a collection with. It is pretty well scattered.

Chairman KEFAUVER. All right, Mr. Bobo.

Mr. BOBO. Then if the post office should happen to get out an unlawful order on one of the businesses which you had, it would in no way affect your main operation?

Mrs. TAGER. Well, I believe what you mean is not the unlawful, the fictitious, don't you? There is quite a difference there on that. The unlawful would pertain to a man in business using his correct name; but a fictitious order—

Mr. BOBO. A fictitious order, a stop order to keep you from using that mailing address?

Mrs. TAGER. Yes. That was no trouble.

Mr. BOBO. That wouldn't interrupt your business at all?

Mrs. TAGER. No.

Mr. BOBO. And you would move on and change to another one and still continue doing business under all the other names?

Mrs. TAGER. That is correct.

Mr. BOBO. The Post Office Department made quite an effort to crack down on your business, as well as many of the other businesses of a similar nature?

Mrs. TAGER. That is true.

Mr. BOBO. You had a great deal of trouble receiving all the mail that you were getting to answer to your advertisements?

Mrs. TAGER. Yes, sir.

Mr. BOBO. Did you find it necessary or were you ever a part of any type of organization where people in this particular business organized to evade the Post Office Department officials?

Mrs. TAGER. Well, yes. I belonged to an organization that many of the operators in this business joined. We formed a group more or less to pool our notes and try to stay in business.

Mr. BOBO. Do you have the names of any of the persons who joined in this organization with you? Do you have the name of the organization, first? Did it go under a name?

Mrs. TAGER. Yes; it did. It was all initials. In fact, I couldn't even pronounce it.

Mr. BOBO. Do you know the address of that organization?

Mrs. TAGER. Well, we met at several places. There was no permanent address.

Chairman KEFAUVER. Well, give us the best—get the best name you can.

Mr. BOBO. All right.

Mrs. TAGER. We would have our meetings at different places.

Mr. BOBO. Well, the initials? If you can't pronounce it, could you give us a close description of what the name might be?

Mrs. TAGER. No; offhand I can't. I believe it was A. S. C. A. something.

Mr. BOBO. Was it the Associated Photographers of Strippers and Nudes?

Mrs. TAGER. Well, that sounds—that could be. That could be.

Chairman KEFAUVER. Say that again.

Mr. BOBO. The Associated Photographers of Strippers and Nudes.

Mrs. TAGER. That could be.

Mr. BOBO. It was not listed under a name, but under the letters of it.

Mrs. TAGER. Yes. Yes.

Mr. BOBO. Who were some of the members of this particular organization?

Mrs. TAGER. Well, as I say, there were several. Myself, Mr. Tager, Mr. Ross, Ann Walker.

Mr. BOBO. Do you know where Mrs. Walker lives?

Mrs. TAGER. At present, no.

Mr. BOBO. Is she in Los Angeles?

Mrs. TAGER. That I couldn't tell you. I haven't been in contact—in contact with any of these people in approximately 2 years.

Mr. BOBO. Give us some of the other names.

Mrs. TAGER. Well, there was Roy Howard.

Mr. BOBO. Do you know where he was living at the time?

Chairman KEFAUVER. I didn't understand the name.

Mrs. TAGER. Roy Howard.

Chairman KEFAUVER. Where is he now?

Mrs. TAGER. That I couldn't tell you.

Chairman KEFAUVER. In Mexico?

Mrs. TAGER. No; I understand he is back in town here somewhere, but I have not seen him.

Clayton W. Kirby.

Mr. BOBO. Is that K-i-r-b-y?

Mrs. TAGERS. That is right.

Mr. BOBO. Where does he live?

Mrs. TAGER. I imagine he is still over at Cinema Enterprises. That is on Hyperion.

Bill Door.

Mr. BOBO. Do you know where Mr. Bill Door is at the present time?

Mrs. TAGER. I believe he is in the courtroom.

Mr. BOBO. He is here. He lives in Los Angeles?

Mrs. TAGER. I couldn't tell you just where he lives.

Mr. BOBO. Well, is Mr. Door here?

Mrs. TAGER. I believe he is in the courtroom. I saw him.

Chairman KEFAUVER. He is here under subpoena, I believe.

Mrs. TAGER. Yes.

Well now, there was Evan and Virginia Wilson.

Mr. BOBO. What was that first name?

Mrs. TAGER. Evan, E-v-a-n.

Mr. BOBO. Do you know where they are?

Mrs. TAGER. I believe Virginia is still in the San Fernando Valley.

Mr. BOBO. Do you know Russ Racine?

Mrs. TAGER. Yes; Russ Racine.

Mr. BOBO. How do you spell his name?

Mrs. TAGER. R-a-c-i-n-e.

Mr. BOBO. Russ Racine?

Mrs. TAGER. Yes.

Mr. BOBO. Is he still in this area?

Mrs. TAGER. I don't believe so. I believe he is up around the San Francisco area.

Mr. BOBO. Do you know Tom Cooper?

Mrs. TAGER. Yes.

Mr. BOBO. Was he a member of this association?

Mrs. TAGER. I believe—I believe he went to meetings, but the one night that he was there I wasn't there.

Mr. BOBO. Do you know Mr. Glied that might have been connected with this business?

Mrs. TAGER. Felix Glied?

Mr. BOBO. Felix Glied.

Mrs. TAGER. Yes.

Mr. BOBO. How do you spell that name, please?

Mrs. TAGER. G-l-i-e-d, isn't it? i-e-d or e-a-d. I think it is i-e-d.

Mr. BOBO. G-l-i-e-d?

Mrs. TAGER. I think so.

Mr. BOBO. Is he still in this area?

Mrs. TAGER. I believe so.

Mr. BOBO. Approximately how many members altogether did this association have?

Mrs. TAGER. Oh, I would say roughly maybe 20, because there were many that would have liked to have gotten into it, but we didn't want them in the organization.

Mr. BOBO. Well, there were approximately 20 in this association. Do you know from your association with this business how many people there are in this particular business, or were at the time that you were in it in this particular area?

Mrs. TAGER. Well, the figure is high. I believe when I was operating there must have been well over 200, at least 250 operators.

Mr. BOBO. That is all that you had knowledge of. Is that over the country or in California?

Mrs. TAGER. No. In the Los Angeles area alone.

Mr. BOBO. Do you have any idea as to the estimate of the number of people who might have been engaged in this business over the country?

Mrs. TAGER. Well, I imagine the figure is quite high because Los Angeles, I believe, is the main port for all this material. I think New York runs a close second. You have got many operators scattered through the Midwest. I would imagine several hundred operators.

Mr. BOBO. Several hundred. You are speaking of in this business, the business not of strip photos, but nude photographs and nude motion-picture films?

Mrs. TAGER. Yes.

Mr. BOBO. The purpose of this organization which the members got together and formed was what, Mrs. Tager?

Mrs. TAGER. Well, to pool our notes and more or less try to keep each other in business in the respect that when one person would be closed with a particular order from the Post Office Department, we planned on putting our heads together to see if we could come up to a solution to stay in business.

Mr. BOBO. Did you come up with a solution to stay in business as a result of this organization?

Mrs. TAGER. Well, yes and no. There were several things we learned in order to keep in business.

Mr. BOBO. What were some of these things, Mrs. Tager?

Mrs. TAGER. Well, keeping the post-office inspectors out of your files was one of them.

Mr. BOBO. How did you manage that?

Mrs. TAGER. Well, I think I was the one that stumbled onto that. I received two orders one day from separate parts of the country, the same handwriting on the signature; that is, the letter was typewritten on a standard size typewriter sheet of paper, but it had been torn in two. When I put the two pieces together they fit perfectly. The typewriter made the same mistakes. So that is what put me onto the code of how they had gotten into my files.

Mr. BOBO. In other words, mail that came in to you, you examined it very carefully?

Mrs. TAGER. Yes, sir, until we grew to the extent that I couldn't do that; but this was in the beginning.

Mr. BOBO. Some of the other methods which you arrived at from this organization to avoid the post office inspectors and to avoid the type of prosecution were what, Mrs. Tager?

Mrs. TAGER. Well, there were many things we learned. Not to drop all the mail in one particular box or one particular post office sta-

tion, feeling that when a lot of mail came in it caused suspicion. If the mail was scattered it wasn't so apt to cause suspicion. I mean, there are many little things like that that were important to us to stay in business.

Mr. BOBO. Well, suppose one of the members of the organization got into difficulty with either the Post Office Department or other police officials. Was there any effort made for group participation in his defense?

Mrs. TAGER. Well, originally when the organization was formed, we planned on hiring an attorney to represent us if any one of us needed help. We would just pay a certain amount of dues.

Mr. BOBO. What were the dues to the organization?

Mrs. TAGER. I believe it was \$25 entrance fee and then I think it was agreed on \$10 a month; but that agreement was made before we had contacted an attorney; in other words, not knowing what the retainer was he would want. Now, in the organization there was one stipulation made, however, that if anyone in our group was picked up for pornographic pictures, they could expect no aid from the organization; because the group at this particular time in the organization were handling just straight nudes.

Mr. BOBO. The group that you were associated with was handling none of the lewd and lascivious, really obscene perverted type of material?

Mrs. TAGER. No. We were handling all more or less the same thing. That is why, as I say, there were several that would have liked to have gotten into the organization and we just didn't want them in with us.

Chairman KEFAUVER. Mrs. Tager, you said at that time. Did the organization deteriorate as time went on?

Mrs. TAGER. Yes; it was very short-lived; very short-lived.

Chairman KEFAUVER. Pornographers did get into the organization?

Mrs. TAGER. Yes; I believe a couple did.

Mr. BOBO. Did your dues increase at a later time? You said originally it was \$25 and \$10 a month. What was the final arrangement?

Mrs. TAGER. Well, we made no final arrangement. I mean, the organization, we did not make arrangements with an attorney that we expected to have represent us as a group, and the organization just died.

Mr. BOBO. Did you ever hire an attorney to represent the organization or to defend any of the members in any respect?

Mrs. TAGER. We approached attorneys to represent us, but we did not have one attorney to represent the whole group.

Mr. BOBO. Did any attorneys ever set as a fee, for maybe the reason you did not hire them, a certain percentage of the gross business of the organization?

Mrs. TAGER. Yes.

Mr. BOBO. They would represent you and for the organization for a certain percentage?

Mrs. TAGER. No, not as a group. As an individual, yes, but not as a group.

Mr. BOBO. As an individual, that was you in business, you and Mr. Tager and Mr. Ross in business, that you had difficulty with the Post Office Department? What was the reason, Mrs. Tager, for you leaving this particular business?

Mrs. TAGER. Well, I divorced Mr. Tager.

Mr. BOBO. Is he still in the business?

Mrs. TAGER. As far as I have been told, yes.

Mr. BOBO. Is he still in business with Mr. Ross?

Mrs. TAGER. Well now, that is a difficult question. I do not believe so. I do not believe so.

Mr. BOBO. When was the last time that you were connected with the business that you got into difficulty with the post office, Mrs. Tager.

Mrs. TAGER. Well, when I was connected with this business I believe it was back in 1951 when I had a tremendous mailing going out of Las Vegas, Tucson, and Phoenix.

Mr. BOBO. You went out on business to Las Vegas, Tucson, and Phoenix?

Mrs. TAGER. Yes. I had a mailing that went out with addresses bearing Las Vegas, Phoenix, and Tucson.

Mr. BOBO. Whom did you make this trip with?

Mrs. TAGER. Well, after I had difficulty with the Post Office Department, naturally, I tried to get the mail released. My mail was being—the replies were being held up in these various post offices, so I made this trip with my attorney.

Mr. BOBO. What was the purpose of this, to make an all-out mailing to get the most out of the business that you could?

Mrs. TAGER. Well, no. No. No. The purpose was that I thought that there were too many people getting mail from operators in California at the time, and I thought maybe using another State for an address might revive some of the customers that I had lost.

Mr. BOBO. Well, what happened when you went out to make your mailings in Las Vegas, Phoenix, and Tucson, did you get into further difficulty?

Mrs. TAGER. Well, yes. After the mail was out and the orders had come in, I received word from the Post Office Department that I was closed on a fictitious order. Well, at the time I had felt that there was approximately \$40,000 tied up in those three mailings, so naturally I was going to fight for it. I was told to go to Las Vegas, Phoenix, and Tucson, identify myself and my mail would be released. Well, that is not the case.

Mr. BOBO. By whom were you told if you would go to Las Vegas, Phoenix, and Tucson, and identify yourself your mail would be released?

Mrs. TAGER. By the letter from the Post Office Department in Washington.

Mr. BOBO. Was it a signed letter?

Mrs. TAGER. A form letter that they sent out.

Mr. BOBO. Yes.

Mrs. TAGER. Well, naturally, I went to these post offices with my attorney, but then, after I identified myself, they said, "You still can't have the mail."

So we tried to fight further for it. In fact, I believe we made—well, it was another trip down there before they would release it to me, because, of course, that had to come out of Washington.

Mr. BOBO. What further fight did you make for this mail, Mrs. Tager, to have it released?

Mrs. TAGER. Well, I had identified myself. I mean, even though I was closed on a fictitious order, I was not fictitious, I was not using a fictitious name in order to hide my identity. I mean, that was not the intent.

Mr. BOBO. Did you ever in the entire matter receive any information or advice that you should get a cease and desist order so that you would have thereby a solution to your troubles?

Mrs. TAGER. Yes.

Mr. BOBO. By whom, from whom did this advice come?

Mrs. TAGER. Well, I believe that his citing the cease and desist did have quite a big bearing on this mail released.

Mr. BOBO. You believe what, Mrs. Tager?

Mrs. TAGER. I believe that by my signing this cease and desist order it had quite a great bearing on the Post Office Department releasing this mail that was tied up.

Mr. BOBO. Well, Mrs. Tager—

Mrs. TAGER. You see, at the time—

Mr. BOBO. Who was the attorney that represented you in receiving this cease and desist order?

Mrs. TAGER. Stanley Caidin.

Mr. BOBO. Is he here in Los Angeles?

Mrs. TAGER. Yes. I believe he is in the courtroom here.

Mr. BOBO. Did you have an agreement with him in representing you in this matter?

Mrs. TAGER. Yes.

Mr. BOBO. What was the agreement which you had with him?

Mrs. TAGER. Well, if he could get the mail released I was to pay him 25 percent of my gross take.

Mr. BOBO. Now, on the mail that you had tied up?

Mrs. TAGER. That is right.

Mr. BOBO. Was your mail released to you?

Mrs. TAGER. Yes, sir.

Mr. BOBO. Did the amount of the 25 percent of the mail that was released to you—was that in the sum of \$1,329.95, represented by this check?

Mrs. TAGER. Yes, sir. Yes, sir; that is true.

Mr. BOBO. Is that the check with which you paid Mr. Caidin for his 25 percent?

Mrs. TAGER. Yes.

Mr. BOBO. It has also marked in the lower right corner "25%"?

Mrs. TAGER. That is right.

Mr. BOBO. And that is representative of that?

Mrs. TAGER. That is correct.

Chairman KEFAUVER. That will be marked as an exhibit; exhibit 34.

Mr. BOBO. Exhibit 34.

(The check was marked "Exhibit No. 34," and appears on p. 342.)

Chairman KEFAUVER. Is that the total payment, or is that on just one of the—

Mrs. TAGER. That was just on this mailing that was made in Las Vegas, Phoenix, and Tucson.

Chairman KEFAUVER. Were there others held up that he helped you get out?

Mrs. TAGER. Well, not—no. Now, he naturally helped Mr. Tager and Mr. Ross after I was out of this, but that is the one he helped me on.

Chairman KEFAUVER. Did he go with you to Las Vegas?

Mrs. TAGER. Yes.

Chairman KEFAUVER. Phoenix, and Tucson?

Mrs. TAGER. Yes.

Chairman KEFAUVER. Did you get it released at all places?

Mrs. TAGER. Yes.

Chairman KEFAUVER. How did you get the mail back here?

Mrs. TAGER. In suitcases.

Chairman KEFAUVER. By plane?

Mrs. TAGER. Yes.

Chairman KEFAUVER. You just picked up, you didn't examine it there, you brought it right back to California?

Mrs. TAGER. Yes, sir.

Chairman KEFAUVER. Did you have some trouble with it in Las Vegas?

Mrs. TAGER. Well, yes. Do you mean in the respect of who would have possession of it because of this 25 percent? Yes, Mr. Caidin didn't feel that he could trust me in a room overnight with this mail, even though the mail was mine; so we had quite a discussion over who would keep the key and who would keep the mail. In fact, he even went so far as to tie the suitcases up with rope with special knots, that if I had opened them, he would know about them. So the mail was being opened at my home. Out of pure meanness I cut all the ropes off of it to give him something to think about.

Chairman KEFAUVER. Did you get that difficulty resolved?

Mrs. TAGER. Yes.

Chairman KEFAUVER. When you opened it at home—you opened it at your home, you say?

Mrs. TAGER. Yes.

Chairman KEFAUVER. Who was there when you opened it?

Mrs. TAGER. Well, there was Mr. Caidin, Mr. Cummins, Oscar Commins, Daniel Bloomgarden, Mr. Ross, Mr. Tager, and myself.

Chairman KEFAUVER. Who are these men that you have talked about?

Mrs. TAGER. At that time they were connected with Mr. Caidin. The firm was Caidin, Cummins & Bloomgarden.

Chairman KEFAUVER. What happened when the mail was opened, did you divide up the mail?

Mrs. TAGER. Well, that was quite a hectic day. Mr. Caidin naturally wanted his share right then and there. Of course, I had to explain that that mail had been held up for several months. Naturally, many of the checks that came in that mail—the payment had been stopped on them. Many of the money orders were outdated, they were old, so that I wouldn't know actually the total of that mailing for some time, until these checks and money orders had cleared.

Chairman KEFAUVER. What was the total amount as of that day in the checks and the money orders?

Mrs. TAGER. Well, that is kind of hard. I wish I had brought some of these records with me.

Chairman KEFAUVER. Was it around—

Mrs. TAGER. I know we took a terrible loss on it.

Chairman KEFAUVER. Was it around \$26,000?

Mrs. TAGER. Somewhere in that vicinity, I would say.

Chairman KEFAUVER. Then you found that a lot of checks and mail orders had been stopped on you?

Mrs. TAGER. That is right.

Chairman KEFAUVER. So that after the amounts stopped and you got to the net, then this check represents 25 percent of the net?

Mrs. TAGER. Twenty-five percent of what we cleared.

Chairman KEFAUVER. All right. While we have a pause, you were talking about putting mail in different post offices. As a matter of fact, you would load up your car and just go from town to town up and down the coast here?

Mrs. TAGER. That is true.

Chairman KEFAUVER. And put mail in all the post offices?

Mrs. TAGER. That is true.

Chairman KEFAUVER. Spread it out. Did you go to Arizona, Nevada several times with mailings?

Mrs. TAGER. No. Just once that I went to Arizona. The first time to employ the services of these people running these mail addresses. Then I came back, prepared the mailing, and Mr. Tager and Mr. Ross took it to Arizona and Las Vegas and mailed it.

Chairman KEFAUVER. Did Mr. Caidin just represent the whole group, or did he have an independent arrangement with Mr. Ross and your husband aside from his arrangement with you?

Mrs. TAGER. Well, yes. The arrangement, as I say—now, this 25 percent to have this mail released for me, now, Mr. Caidin was to keep Mr. Ross and Mr. Tager in business for a percentage of their business.

Chairman KEFAUVER. Do you know what that arrangement was?

Mrs. TAGER. I believe 10 percent.

Chairman KEFAUVER. That was separate and apart from this check?

Mrs. TAGER. Well, yes. You see, after his episode took place it wasn't too long after that that I had many trips in and out of hospitals. Even though I knew what was going on in the business, I was not active in it.

Chairman KEFAUVER. Do you know how much this second arrangement paid Mr. Caidin about a month?

Mrs. TAGER. Well, you know, there are many things that a person knows, but you can't really prove.

Chairman KEFAUVER. Well, if you don't know—

Mrs. TAGER. This is one of these things.

Chairman KEFAUVER. If you don't know, don't say. If you don't know, why, then don't say.

Mrs. TAGER. I know there has been cash and checks. I would say Mr. Caidin was drawing \$1,500 or better a month.

Chairman KEFAUVER. All right.

Mr. BOBO. Did you keep two sets of books in your operation, Mrs. Tager, when you were operating?

Mrs. TAGER. Yes, sir; I did.

Mr. BOBO. What was the purpose of keeping two sets of books?

Mrs. TAGER. Well, when this approach was made to keep us in business for a percentage, you know no one can stay in business and give someone 10 percent of their gross, especially where it is a partnership. When this percentage was arranged with Mr. Caidin, I spoke

it over with Mr. Tager and I advised 2 sets of books, 1 for Mr. Caidin's benefit, because I felt if Mr. Caidin received \$1,500 a month or better, he would be very satisfied, without receiving actually 10 percent of the gross.

Mr. BOBO. Did you show the same set of books to the Internal Revenue Bureau?

Mrs. TAGER. No. The Internal Revenue Bureau had the proper books. This other set, as I say, was set up for Mr. Caidin's benefit only, and it was done at the proper time, because Mr. Caidin sent his auditors down to audit the books to make sure he was getting his 10 percent.

Chairman KEFAUVER. Which set of books did they audit?

Mrs. TAGER. The ones put up for their benefit.

Chairman KEFAUVER. They didn't audit the other books?

Mrs. TAGER. No.

Chairman KEFAUVER. What would be the difference in the income on the two sets of books, about? I mean, would one be twice as much income as the other one?

Mrs. TAGER. Well, yes; possibly more. But, as I say, to give someone 10 percent of a gross business, that is quite a lot. It can't be done.

Chairman KEFAUVER. Go ahead, Mr. Bobo.

Who was president of this association you have been talking about?

Mrs. TAGER. Of the organization?

Chairman KEFAUVER. Of the organization.

Mrs. TAGER. Well, actually, I believe Merle Kennel was the president of it. Ann Walker was the treasurer-secretary.

Chairman KEFAUVER. Did you have an office in it?

Mrs. TAGER. No; I did not.

Mr. BOBO. Did you ever receive any type of mailing lists from Mr. Caidin in his connection with the business? Did he ever present to you any mailing list of any sort?

Mr. BOBO. What type of mailing list did you receive from him?

Mrs. TAGER. Well, it was supposedly a list that is kept by inspectors, of buyers of nude pictures, for their own benefit.

Mr. BOBO. Do you know what the origin of this particular list was?

Mrs. TAGER. Well, as I say, it came out of Washington.

Mr. BOBO. Is just came—you don't know—

Mrs. TAGER. No.

Mr. BOBO. Definitely the origin of this?

Mrs. TAGER. That is what I was led to believe, anyway.

Mrs. BOBO. Mrs. Tager, how many times have you been in difficulty with the law?

Mrs. TAGER. Once.

Mr. BOBO. Where was that?

Mrs. TAGER. That was back in Rhode Island.

Mr. BOBO. Was it in connection with this business?

Mrs. TAGER. Yes; it was.

Mr. BOBO. What were the circumstances surrounding that?

Mrs. TAGER. Last September I was accused of mailing one obscene picture through the mails on or about the 18th of August. I was arrested. My bail was set at \$2,000. Then four more counts were added to the original one, which that charge made up a count. In other words, the names of four people who I am supposed to have mailed pictures to were each considered a count. I did not do this

thing, but, of course, that is not neither here nor there right now; but I know who did. This particular person I sold some mailing lists to, because I needed the money at the time. In fact, I did some typing for him in my home.

Mr. BOBO. Who is the person to whom you sold your mailing list?

Mrs. TAGER. Calvin Sugarman.

Mr. BOBO. How do you spell it?

Mrs. TAGER. S-u-g-a-r-m-a-n.

Mr. BOBO. Where does he reside?

Mrs. TAGER. In Providence, R. I.

Mr. BOBO. Do you have his address there?

Mrs. TAGER. On Hope Street.

Mr. BOBO. H-o-p-e.

Mrs. TAGER. Hope.

Mr. BOBO. Did you ever engage in the business in Rhode Island?

Mrs. TAGER. No, sir; I have not.

Mr. BOBO. Did you sell the mailing list which you had to any persons in any other part of the country?

Mrs. TAGER. Not since I have been out of the business; no.

Mr. BOBO. Is that the only mailing list you sold within recent times?

Mrs. TAGER. Oh, yes. Yes.

Mr. BOBO. Did you ever, while you were in California connected with this business—you had numerous fictitious orders against you and your business?

Mrs. TAGER. Yes, sir.

Mr. BOBO. That is the only difficulty you have had with any of the law-enforcement agencies or the courts on the coast?

Mrs. TAGER. That is right.

Mr. BOBO. Are you on probation now?

Mrs. TAGER. Yes, sir; I am. I had to plead guilty to this charge, otherwise I would be in jail 5 months; and as it stands, circumstantial evidence plus the fact there is—well, Calvin Sugarman, his family is quite influential. I was told before I went back to Rhode Island that I wouldn't stand a chance if I brought him in to it, because his family is not, if they can prevent it, going to have his name in the headlines.

Mr. BOBO. You are not engaged in this business in any way at the present time?

Mrs. TAGER. No, sir. I have not been since 1951.

Mr. BOBO. And Mr. Ross or Mr. Tager, your husband, and his partner, have they ever been in any difficulty with the authorities, even been charged with anything?

Mrs. TAGER. Yes; they have had many charges, but I think—in fact, they have been arrested a few times, but as far as I know Mr. Tager has only paid a \$600 fine. Mr. Ross did serve a term, a short term for bribery.

Mr. BOBO. The \$600 fine was involved in a case involving this type of material, or pornographic material?

Mrs. TAGER. Yes, yes—no, this type of material.

Mr. BOBO. Has he ever served any time? Mr. Tager has never served any time?

Mrs. TAGER. Not that I know of.

Chairman KEFAUVER. Well, I believe that is all now, Mrs. Tager. Some matters that we might want to ask you about further might come up, so you stay around, will you?

Mrs. TAGER. Yes.

Chairman KEFAUVER. We will have a 10-minute recess at this time. (Short recess taken.)

Chairman KEFAUVER. The subcommittee will come to order.

Expressing my thanks to some of you who have helped us so much this morning, I want to thank and express our appreciation for the help of the Los Angeles district attorney's office, Mr. Roll, and others of his staff. Also the United States attorney and his staff, Mr. Waters, and Mr. Billings, and many others. We are going to try to hear as many witnesses as possible today. Mrs. Tager and others possibly will mention other names. We don't want to do anyone an injustice. If anyone's name has been mentioned and they feel that they have not been correctly presented or if they have some statement they want to make, an explanation or a chance to be heard, if they will let the staff of the subcommittee know, we will see that they have a chance of being heard immediately, because we don't want any charges to go out without any explanation that anyone wants to make in connection with them.

Mr. Stanley Caidin's name has been mentioned. He is a member of the bar of Los Angeles and California. He is here and has asked to be heard next.

Mr. Caidin, would you come around, sir? Just come up here, Mr. Caidin, and have a seat.

Mr. CAIDIN. Well, in view——

Senator KEFAUVER. Well, if you——

Mr. CAIDIN. Can I request not to be photographed? I guess not. Do I have that right?

Chairman KEFAUVER. Well, I don't know, Mr. Caidin.

Mr. CAIDIN. Well, it doesn't matter. I am photographed.

Chairman KEFAUVER. Will you hold up your hand, sir, and be sworn. (Mr. Caidin was sworn.)

Chairman KEFAUVER. All right, Mr. Bobo, will you take over.

TESTIMONY OF STANLEY R. CAIDIN, ATTORNEY AT LAW, BEVERLY HILLS, CALIF.

Mr. BOBO. State your name and your address, and your occupation for the record.

Mr. CAIDIN. My name is Stanley R. Caidin. My business address is 9441 Wilshire Boulevard in Beverly Hills. My home address is 10383 Rochester Avenue in west Los Angeles.

Mr. BOBO. Mr. Caidin, you stated you wanted to reply to some of the things which Mrs. Tager has said.

Mr. CAIDIN. Well, of course——

Chairman KEFAUVER. Well, you just tell all about it, Mr. Caidin. Make any statements you want to make.

Mr. CAIDIN. I was, of course, quite shocked, sitting back there, to hear the nature and the type of accusations made by Mrs. Tager; and my primary purposes, actually, is not to answer point by point the testimony of Mrs. Tager, because to do that would be to dignify it with a certain amount of credibility. There is—there are some things I would like to say, since my name was mentioned in the manner it was.

Firstly, most of what Mrs. Tager said was false. There was a grain or a salt of truth in a portion of her testimony, and in a considerable

portion of it from there on she went on a wild flight of imagination, and much of her testimony is false.

I regret that I have to be in a position where, frankly, the accusations of a woman who has been convicted of a crime and who was here for her own purposes, and having thrown about and made accusations against people which will undoubtedly receive publicity is very distressing. I don't think, very frankly, if I may criticize the committee, and do so respectfully, I would like to do so.

Chairman KEFAUVER. Well, you can criticize the subcommittee all you want to.

Mr. CAIDIN. And I do as I do respectfully, and I do it as follows: Of course, you are a Senator, Mr. Senator, and Mr. Bobo is a well-known attorney himself, and I think all people who are accused at this hearing—that an investigation should have been made as to the charges, so that this publicity could have been avoided. If there was any merit in the charges and the committee felt there was—but, the effects of wild accusations made by a woman of that type are in effect to intimidate attorneys and to prevent in large measure people of this—engaged in business from the right to counsel for this reason: Naturally, any attorney would not wish to be named as I have been named and dishonored publicly. My primary concern is this, that if this course of procedure is followed and other witnesses are permitted to make accusations of this type, knowing that publicity will follow, attorneys will be reluctant, and rightfully so, in going into court to defend the rights of these people.

Now, I would like one thing clear, and that is this: Although this has been designated as an investigation of pornographic material, there is no showing—there has been no introduction of any of the material to show it has been pornographic. Therefore, the public has been led to believe that this is an investigation of so-called pornographic material. Yet the facts are that this material has been passed upon by the courts, that these people have been engaged in business under an injunction granted by the courts and have been operating with the sanction of the courts and openly and publicly. This is not an underground operation. These people are operating a business. The courts have inspected and examined the merchandise.

Now, I am not saying that for all the people, but of the persons who are operating under court injunction.

Chairman KEFAUVER. Well, Mr. Caidin, what injunction are you speaking of, sir?

Mr. CAIDIN. Well, there are several injunctions that have been in effect. One was granted under which Mr. Tager was engaged in his business originally on the grounds—well, he was operating on a restraining order granted by the Federal court some years ago; and at the time that Mrs. Tager was testifying to, there was a restraining order in effect by which the business was permitted to continue without interference from the Post Office Department.

Chairman KEFAUVER. A restraining order against whom?

Mr. CAIDIN. Against Roy Ross—I am sorry. That is against the Post Office Department.

Chairman KEFAUVER. Who was this attorney in getting that restraining order?

Mr. CAIDIN. I was the attorney who got the restraining order.

Chairman KEFAUVER. Well, Mr. Caidin, we have had descriptions of the material which was involved. Do you disagree with the description of the pictures and the advertising and the method of operation described by Mrs. Tager?

Mr. CAIDIN. No. The materials sold were nude photographs of the Marilyn Monroe calendar type, that is correct, and the courts do not consider them obscene here in California, apparently.

Chairman KEFAUVER. Well, if it is all within the law, I don't see why you are excited about it.

Mr. CAIDIN. Well, I am excited because the testimony of Mrs. Tager taken by itself would lead people to believe that I was an ogre of some type, which I assure you I am not. I have tried to do——

Chairman KEFAUVER. Well, of course, lawyers very frequently represent the most heinous criminals—not saying Mrs. Tager is a criminal—but lawyers protect them in their rights. Courts always appoint lawyers to protect criminal defendants when they don't have lawyers of their own: so even if this has been a flagrant law violation and if you just acted as a lawyer in representing them, I don't see why you should be so excited about it, Mr. Caidin. I think Mrs. Tager's story, the testimony she has given, shows the flourishing of a very substantial business; and she has told about how you were connected with the business, what you did as her attorney.

What part of her story is not true, Mr. Caidin?

Mr. CAIDIN. Well, firstly, she stated that I was paid on a percentage basis and that I—that they kept two sets of books, one which was shown me and one which they showed for other purposes. That is absolutely false. Now, I will say this——

Chairman KEFAUVER. Well now, on the percentage basis, have you seen this check?

Mr. CAIDIN. I meant generally. Yes.

Let me go into that, if I may, although I don't think it is proper, again, for the reason that the arrangement between an attorney and his client is not the concern of this committee; but since it was mentioned as though it were an improper thing, I would like to explain these circumstances, then. Firstly, when the client first came to my office, I might point out that he was out of business. The Post Office Department had impounded all incoming mail.

Chairman KEFAUVER. Now, who is that, Mrs. Tager?

Mr. CAIDIN. No. This is Mr. Ross. Mr. Ross came to the office, advising me that he was out of business. He said the Post Office Department was impounding his mail. He had another attorney who had not had any success with the case.

Chairman KEFAUVER. About when was this, Mr. Caidin?

Mr. CAIDIN. It was maybe 4 years ago, I guess. I am not sure of the date. 1952, maybe.

Chairman KEFAUVER. About 4 years ago, then, all right.

Mr. CAIDIN. Approximately. Anyway, I was young and fresh out of law school at the time.

Chairman KEFAUVER. Well now, Mr. Caidin, was that the first connection you had with it, 4 years ago. This check seems to be dated June 13, 1950.

Mr. CAIDIN. Then that would be correct. It was before 1950, then. It was before that check.

May I see the check, please? It seemed like—4 years seems like a long time, but I guess it has been longer than that. May I see the check?

Chairman KEFAUVER. Let's see. It is dated June 13, 1950, apparently, but it seems to have been deposited on June 14, 1951.

Mr. CAIDIN. Well, that mistake is on the check, then. The bank mark would be correct, obviously.

Chairman KEFAUVER. Yes.

Mr. CAIDIN. The error was on the check, then.

Chairman KEFAUVER. That is unless it was held up in being deposited.

Mr. CAIDIN. Not for a year, no, no, I am certain it wasn't held up for a year, Senator. The 1951 date would be correct, and the date on the face of the check, then, would be incorrect; so my 4-year estimate would be very good. In fact, it is apparently exactly 4 years. The check was dated June 14, 1951. That is the bank stamp.

Chairman KEFAUVER. That is when it was deposited?

Let the check be an exhibit.

(The check was submitted earlier, marked "Exhibit No. 34," and is as follows:)

LA BREA—BEVERLY OFFICE

California Bank 16-287
1227

175 NORTH LA BREA AVENUE • LOS ANGELES • CAL

NO. _____

PAY TO THE ORDER OF Stanley Caidin June 13 1950 \$ 1529 ⁹⁵/₁₀₀

Thirteen Hundred and twenty-nine and 95/100 DOLLARS

Mrs. Louis Tager

2540

Stanley Caidin

PAY TO THE ORDER OF

California Bank

OSCAR R. CUMMINS
DANIEL J. BLOOMGARDEN
STANLEY E. CAIDIN

Mr. CAIDIN. Yes. At any rate, I was—this gentleman came to my office, told me briefly he had been in the mail-order business selling various types of merchandise, including lamps and novelties and pictures; that the post office had closed him off by cutting off all of his mail.

I said that seemed like a high-handed procedure, and I asked him what type of material he was selling, sending.

He showed me some photographs which were photographs of the Marilyn Monroe type picture which are seen frequently on calendars and are no more or less suggestive than the posters which the motion-picture companies, in my opinion, at least, were using for advertising their films. I told him I didn't think that material was obscene. In any event, it didn't seem to me that the Post Office Department in a unilateral action should determine it to be obscene; that if the Post Office Department had the right to impound mail on the belief of somebody that it might be obscene because someone in the post office didn't like it it didn't seem to me that that type of censorship was fair or proper. There had never been a hearing of any consequence and the mail had been seized.

Chairman KEFAUVER. Well now, Mr. Caidin, hadn't the Los Angeles Police Department secured convictions against people dealing in this type of material?

Mr. CAIDIN. Not to my knowledge, no, sir.

Chairman KEFAUVER. Against Mr. Ross? Wasn't Mr. Ross convicted here in Los Angeles?

Mr. CAIDIN. That was long, long after he came to my office, sir.

Chairman KEFAUVER. But it was over the same material, the same type of material you are talking about?

Mr. CAIDIN. I don't know whether he was convicted or whether he pleaded guilty, as a matter of fact.

Chairman KEFAUVER. Well, anyway, he was found to be guilty, either voluntarily or by conviction.

Mr. CAIDIN. That is correct.

Chairman KEFAUVER. All right, sir.

Mr. CAIDIN. But at the time he came to me he had no prior convictions of any kind, to my knowledge, certainly; and I told him that this was a matter which should be tested in the courts, as to whether the Post Office Department has the right to seize people's mail without a formal adjudication by any court that the material was unmailable; and I said it didn't appear to me that it was unmailable. So I filed a lawsuit and, incidentally, this was at the time the discussion of fees came into it. I hesitated to go into it because, as I say, I don't think the matter of an attorney's fees is relevant to a matter of juvenile delinquency. Mr. Ross told me he didn't have a dime, couldn't pay any money for attorney's fees, and couldn't pay attorney's fees. I told him if he couldn't pay attorney's fees, then I couldn't represent him.

He said, he just was broke, they just closed down his business. He didn't have 10 cents of money coming in, and he was completely destitute. In effect, that is what he told me.

I said, "Well, how do you expect me to take a case without any agreement for compensation?"

It was then that it was agreed upon that he would pay me a small retainer and 10 percent of the business if the case was successful; and that was agreeable to him, and, of course, in my mind if the

courts held that the business was a proper one and that there was nothing wrong with it and that he would be operating under a court restraining order. I certainly saw and do not see any impropriety in any such arrangement. If there were, I never would have made it. I felt the pictures were not obscene, the court would not find them obscene; and since he couldn't pay attorney's fees and was entitled to representation, and this was a reasonable basis for proceeding, and we did proceed on this basis.

Chairman KEFAUVER. Let me see what your agreement was. Ten percent of the amount realized from gross sales?

Mr. CAIDIN. Yes. Of course, very frankly, I didn't know what the gross sales would be. I had no conception of what that fee would come to, whether it would be a high fee or a low fee. I didn't know whether we would be successful in the court action, although I believed we would because I thought the material was not obscene and I didn't believe the court would find it obscene.

Chairman KEFAUVER. Well, was it your understanding that if you won the case, it was going to be 10 percent from then on out as long as he was in business?

Mr. CAIDIN. I don't remember the exact terms of the retainer agreement. It has been 4 years. It either was for a period of time, so long as he shall continue in business, or for a specified period, whichever occurs first. I am not sure of the wording of the retainer agreement, but I don't have it with me; but it was for 10 percent for a period which hadn't expired, at any rate. I don't know what the exact term was; but, anyway, we were successful and obtained a restraining order in the court. As a matter of fact, it was a three-judge court hearing held here in the Federal Building, and the matter was taken under submission for some length of time.

The 10 percent agreement, incidentally, was never observed and I never saw any set of books, no set of books was ever submitted. It is true that some accountants did go into the business, but I never really did anything, I mean.

Chairman KEFAUVER. Well, Mrs. Tager said that you sent an auditor over to see the books and that she showed them the books with the lesser amount.

Mr. CAIDIN. Well, I have no knowledge of what books were shown the auditors.

Chairman KEFAUVER. Did you send auditors over to see the books?

Mr. CAIDIN. Yes, sir. According to the auditors I was being underpaid by either 25 or 35 thousand. By my own auditors, and, I don't know, it was agreed, at any rate, instead of a percentage, that a retainer agreement be made, which I think was \$1,500 a month, and that was in substitution of any percentage agreement. I was satisfied because, very frankly, I didn't intend to—I didn't know what the percentage would be, and I felt that \$1,500 a month was a fair fee, certainly, and I had no quarrel with it; and that was——

Chairman KEFAUVER. \$1,500 a month?

Mr. CAIDIN. Yes.

Chairman KEFAUVER. Was that after the case had been settled?

Mr. CAIDIN. I beg your pardon?

Chairman KEFAUVER. Was that after the case had been decided and they were allowed to operate?

Mr. CAIDIN. Oh, yes.

Chairman KEFAUVER. How much did you get under this 10 percent arrangement?

Mr. CAIDIN. As far as I know, I got nothing under the 10 percent arrangement. I received a payment—this, of course, I am going way back now. I have to give estimates. I received a payment of, I think, \$400 a month, \$600, \$800, and then \$1,200; and then finally they settled on \$1,500. They never—I was never submitted any accounting of the business. I would just get a check, and it would be for some amount like 6, 8, 700, I don't know what it was now; and finally at the end of the time we agreed on \$1,500 as a retainer. I never enforced any 10 percent agreement and never tried to.

Chairman KEFAUVER. Well, did you get 10 percent as long as the business operated?

Mr. CAIDIN. I never got 10 percent, sir.

Chairman KEFAUVER. Well, I thought you said—well, you got \$1,500 a month, then?

Mr. CAIDIN. Yes, sir.

Chairman KEFAUVER. As long as it operated, or do you still get it?

Mr. CAIDIN. No, no, sir. I haven't received it for years. I think I only received \$1,500—I think for about 6 or 7 or 8 months, no more than that. Six or seven months, I think it was; and then the total I received was probably, from that phase of my representation, I think was about probably ten or twelve thousand dollars. I am not sure. It was in the neighborhood of \$10,000.

But, as I say again, I hate to be here justifying what fee I charged. I don't think this has got anything to do with juvenile delinquency.

Chairman KEFAUVER. Well, I think the way this operation goes on is important from the viewpoint of our inquiry, Mr. Caidin.

Mr. CAIDIN. Well, I would be happy to cooperate and answer any questions.

Chairman KEFAUVER. Well, you go on and tell all about it. What was it you said about \$35,000 that auditors found that you were being underpaid?

Mr. CAIDIN. I don't remember the figure. It was a substantial amount. I don't know whether it was 25,000, 35,000, or 20 or 40. I don't recall, frankly; but if the 10-percent agreement had been kept in effect, it would have been substantially more.

Chairman KEFAUVER. Yes.

Mr. CAIDIN. But, as I say, I never attempted to enforce that, and I think there was some testimony here that I turned over a list—was that the testimony of Mrs. Tager, sir? I missed it. Did you ask Mrs. Tager if I turned over some names to the business? Was that question asked?

Mr. BOBO. Yes, sir.

Mr. CAIDIN. That is absolutely false?

Chairman KEFAUVER. No. I think she said—I believe she said it came from Mr. Cummins.

Mr. BOBO. No. She said Mr. Caidin furnished a list of customers from Washington, D. C.

Mr. CAIDIN. If that is her testimony, that is absolutely false.

Chairman KEFAUVER. Let's get it straight, now. Where is Mrs. Tager. Just stand up.

Who was it you said in the law firm furnished you with a list of names?

Mrs. TAGER. Mr. Caidin.

Chairman KEFAUVER. When was that?

Mrs. TAGER. It was a list of 60,000 names. They supposedly came from Washington.

Chairman KEFAUVER. Did he bring them to you personally and give them to you?

Mrs. TAGER. Yes. They were brought to the office, and I didn't want any part of them; but they supposedly came from the files in Washington.

Chairman KEFAUVER. From somebody in Washington?

Mrs. TAGER. In other words, if I had sent out a mailing on these 60,000 names, they were supposedly people—repeat buyers that the Post Office Department had kept a file on. In other words, every one of those names would have ordered, they would have brought in money.

Chairman KEFAUVER. All right. Anyway, we are just interested in clarifying your testimony.

Mr. CAIDIN. That is absolutely false, 100—I never heard such false testimony in my life. It is completely and absolutely false. That is perjury, unquestioned perjury; and it is no more true than her fantastic statements about 60 percent of her customers being doctors.

This woman should not be permitted to make accusations like this. It is absolutely false. I have never heard—I am shocked even to think that that statement would be made, that I would submit a name. I not only have not submitted 60,000 names—

Chairman KEFAUVER. Well, Mr. Caidin, you have no objection to the business, so I don't see why submitting names should make any difference.

Mr. CAIDIN. Well, I have an objection to the business if the business were improper or judicially determined—

Chairman KEFAUVER. Well, you said it had not been judicially determined to be improper and you had no compunction about it, so I don't see why you are so excited about names. If a business is all right, why shouldn't you submit all the names you want to?

Mr. CAIDIN. Well, I certainly don't—I am not in business with any client. I don't submit names or I don't submit customers to any client, and the statement that I submitted names is just absolutely false.

Chairman KEFAUVER. Well, I mean, if you thought the business was all right, and you said you thought it was all right, I don't see why helping your client in the business wouldn't be—why you have any objection to that. After all, you were supposed to get 10 percent of the gross. It might enhance your business. It might enhance your fee.

Mr. CAIDIN. As I explained, Senator, I was not receiving 10 percent of the gross.

Chairman KEFAUVER. I know. You were supposed to.

Mr. CAIDIN. I never attempted to obtain 10 percent.

Chairman KEFAUVER. That was the agreement.

Mr. CAIDIN. Yes, sir, but I was not receiving 10 percent of the gross, and it was not to my benefit to increase business or help business or participate in business; and it just isn't so. That is all. If a person testifies—

Senator KEFAUVER. Well, if you didn't expect to receive 10 percent, what did you make an agreement to that effect for?

Mr. CAIDIN. Because that was the only basis upon which I could be compensated. I had no idea what 10 percent would be.

Frankly, I am not trying to apologize for 10 percent. If a client comes to me without any funds and I think he is entitled to representation, I will make a contingent representation with him.

Chairman KEFAUVER. All right, sir.

Mr. CAIDIN. Is there anything else?

Chairman KEFAUVER. No. You just tell anything you want to about it.

She particularly talked about the trip over to Las Vegas or somewhere.

Mr. CAIDIN. I think she testified that I went with her to Las Vegas when they made a mailing. That is false.

I did go to Las Vegas after the mail had been impounded, not for mailing.

Chairman KEFAUVER. No; she didn't say you went there to make the mailing, I don't believe. She said after the mailing was tied up, then you and she went to Las Vegas.

Mr. CAIDIN. That is true. I went with her to obtain the release of the mail.

Chairman KEFAUVER. And to Tucson and Phoenix.

Mr. CAIDIN. That is correct; and I appeared at the post office and presented legal affidavits. I appeared as her counsel before the inspectors in the Post Office Department to obtain release of the mail.

Chairman KEFAUVER. And you got some cease and desist order?

Mr. CAIDIN. That is correct.

Chairman KEFAUVER. In the courts, or where did you get it?

Mr. CAIDIN. From Washington. It was forwarded by the Post Office Department.

Chairman KEFAUVER. Then did you have some difficulty about tying up the bundles?

Mr. CAIDIN. I have no recollection of any difficulty in tying up bundles. I think there was a discussion——

Chairman KEFAUVER. That you ought to keep them, rather than she?

Mr. CAIDIN. Yes; there was such a discussion. I am just trying to recall exactly what happened.

Chairman KEFAUVER. Well, did you get a rope and tie the packages up?

Mr. CAIDIN. I have no recollection. It is possible. I don't deny that, though. I might have tied it. I don't remember getting a rope. I don't know where I could have gotten a rope.

Chairman KEFAUVER. Well, a big string?

Mr. CAIDIN. No. I don't recall tying up packages.

Chairman KEFAUVER. What was the discussion about who was going to keep the packages?

Mr. CAIDIN. Well, Mrs. Tager was so insistent that she keep the packages, that I told her I didn't see why she should be so insistent upon it; and she finally says that apparently she didn't trust me or I didn't—I don't know, or I didn't trust her. I don't know, but there was some discussion about where the suitcases would be.

Chairman KEFAUVER. Anyway, there was a lack of mutual trust in the matter somewhere.

Mr. CAIDIN. At that point, after my auditors' check, I think there was a certain amount of distrust crept into the matter. But, in any event, my statement has been lost here in the questioning; what I was trying to get at is this: I don't feel that as an attorney I have ever done anything except represent my clients properly and ethically, and at the hearing this morning, the way the charges and the nature of Mrs. Tager's testimony, contrary to her impressions, would be gleaned——

Chairman KEFAUVER. Well, Mr. Caidin, did you know they were operating under all these different names in getting mailings in different names?

Mr. CAIDIN. Yes; I knew that.

Chairman KEFAUVER. Do you think that was a little odd?

Mr. CAIDIN. No, sir; I knew why it was being done.

Chairman KEFAUVER. And why was it being done? You knew why——

Mr. CAIDIN. I am just trying to think. I am not so sure now. I am not so sure I knew why it was being done.

I will tell you, Senator, as I recall now, I didn't know that mailings were being made under these different names until after the mail had been impounded. In other words, they never consulted with me and said they were going to make a mailing under the name of Joe Smith in a certain territory. I did not know it prior to any mailings.

Now, what did happen was this: After a mail—after certain mail would be impounded, perhaps, then I would learn for the first time that a mailing had been made and had been impounded. Then I would learn that a mailing had been made under a different name. That would be the first time I would know about it.

Chairman KEFAUVER. That didn't make any difference to you?

Mr. CAIDIN. It was the same merchandise. If it was not obscene and it was proper merchandise under the law, no, I don't care what name they mailed it under.

Chairman KEFAUVER. You didn't stop representing them when you found that out?

Mr. CAIDIN. No, sir. I saw nothing wrong with it. As long as the merchandise was proper and could go through the mails properly, I saw no reason.

Chairman KEFAUVER. What was the reason they used so many different names? You said you knew. What was the reason?

Mr. CAIDIN. Well, Mrs. Tager—I am not so sure I knew, now. It might be—I don't know, to tell you the truth, except Mrs. Tager said it helps business. I really—I don't know. I do know, apparently, if Mrs. Tager's testimony is accurate.

Chairman KEFAUVER. You don't think it had anything to do with sort of avoiding postal inspectors?

Mr. CAIDIN. No, sir. I will tell you why. That is—I am not being facetious—I would say no, absolutely not, because they didn't have to use different names. They were operating under a court restraining order, and all the mail was being delivered to their home door, to the business there, and there was no use to use fictitious names to assure mail delivery, and all the mail was being received, so it is not true that they were doing this to avoid postal laws. There couldn't be a reason for it.

Chairman KEFAUVER. What name did you get the restraining order in?

Mr. CAIDIN. Roy J. Ross.

Chairman KEFAUVER. But there were a whole lot of other names where Mr. Ross' name didn't appear, weren't there; a lot of names and advertisements?

Mr. CAIDIN. I don't know.

Chairman KEFAUVER. When you got the restraining order, when did you get it, Mr. Caidin?

Mr. CAIDIN. I don't recall the date.

Chairman KEFAUVER. Then, what happened to Mr. Ross after this Nevada business? What happened to Mr. Ross?

Oh, yes. One other thing I think you ought to explain. Mrs. Tager said that you brought the mail back in suitcases and you came with her on the plane. That was true?

Mr. CAIDIN. That is true.

Chairman KEFAUVER. And then that you had a meeting, and I think you ought to explain this, at somebody's home; where she was there and you were there and others were there.

Mr. CAIDIN. That is correct.

Chairman KEFAUVER. Who all were there? Did she name the right people? What was the purpose of this meeting?

Mr. CAIDIN. To open the mail.

Chairman KEFAUVER. Were your partners there at the same time?

Mr. CAIDIN. I don't recall. No—I think she mentioned Mr. Bloomgarden's name. I don't know. He might have been there. If he was there, he didn't stay long. He might have dropped in. I don't think he was there during the meeting; no.

Chairman KEFAUVER. Then when you opened the mail, what did you do? I mean, who opened the mail?

Mr. CAIDIN. I don't recall. I was sitting there at a table when the mail was being opened.

Chairman KEFAUVER. Did all of you keep accounts as to how much the orders were?

Mr. CAIDIN. Probably. I didn't keep accounts. I mean I was there.

Chairman KEFAUVER. Well, who was keeping accounts for you.

Mr. CAIDIN. I don't recall. I might have. I might have made notes, too. I don't recall.

Chairman KEFAUVER. Was there some argument about the fact that since this mail was so old, that many checks might have had payment stopped on them?

Mr. CAIDIN. That was discussed, yes; because, as I said, the agreement was if I succeeded in releasing the mail, it was a percentage agreement on that; and they said that the checks might not be good. That is correct. There was such a discussion.

Chairman KEFAUVER. So it was finally agreed to wait until the checks cleared to see what it was?

Mr. CAIDIN. Yes, sir.

Chairman KEFAUVER. And that is when this check was made?

Mr. CAIDIN. Probably. Probably.

Chairman KEFAUVER. All right, sir. Then what happened to Mr. Ross? How long did you continue to represent him, Mr. Caidin?

Mr. CAIDIN. Oh, I don't know.

Chairman KEFAUVER. I mean, a year, 2 years?

Mr. CAIDIN. It might have been a year. I don't know. It might have been 6 months, a year. Actually, now, Senator——

Chairman KEFAUVER. Well, did he finally get indicted in Kansas?

Mr. CAIDIN. There was an action brought in Kansas which was dismissed.

Chairman KEFAUVER. Did you represent him there?

Mr. CAIDIN. No, sir; I did not. I counseled him.

Chairman KEFAUVER. We have here the indictment in Kansas, 89 counts. All the counts are sending material to children under 21 years of age; some of them 11, some 14. Did you know anything about that?

Mr. CAIDIN. I know there was an action filed in Kansas and Mr. Ross talked to me about it. The action was dismissed.

Chairman KEFAUVER. Why did it get dismissed?

Mr. CAIDIN. It was dismissed because the court in Kansas had no jurisdiction to try the case, and the case was later refiled here in the Los Angeles Federal court, and Mr. Ross went to trial and was acquitted. The merchandise was found by the court to be not obscene. It was heard right here, and the merchandise and the pictures and the films were seen by the Federal court judge here in Los Angeles, sir, and the court found that none of the material sent by Mr. Ross was obscene, and Mr. Ross was acquitted after a trial.

Chairman KEFAUVER. Did you represent him in that trial?

Mr. CAIDIN. No, sir; I did not.

Chairman KEFAUVER. Well, did Mr. Ross get convicted in the State courts here in Los Angeles, then?

Mr. CAIDIN. I have heard that to be the case.

Chairman KEFAUVER. But you didn't represent him?

Mr. CAIDIN. I did not represent him.

Chairman KEFAUVER. How did you happen to stop representing him?

Mr. CAIDIN. He stopped coming to see me. I don't recall. I never had a conversation in which he said, "You no longer represent me"; and I never told him, "I no longer represent you." It was just a parting of the ways, I guess.

Chairman KEFAUVER. He just got another lawyer?

Mr. CAIDIN. I presume. I mean——

Chairman KEFAUVER. Well, he had to have a lawyer to be in court, I guess.

Mr. CAIDIN. Yes. It was not an unfriendly termination. It was just a parting of the ways.

My judgment, apparently, has been completely vindicated insofar as the nature of the business. The court here having found that none of the merchandise was obscene, my judgment in the first instance appears to have been correct, when I said I didn't believe any of the merchandise was obscene. I don't want it to appear that I was handling—representing a client——

Chairman KEFAUVER. What do you personally think about that advertisement, Mr. Caidin? That was some of Mr. Ross', some advertisement of this group.

Mr. CAIDIN. I don't approve of the advertising.

Chairman KEFAUVER. Well, you knew they were sending out that kind of thing, didn't you?

Mr. CAIDIN. I didn't make it a point to inspect the advertising. I saw the merchandise that they were selling. I thought that under the statute, that the test of obscenity is what they were sending to the customers; whether the pictures they were sending were obscene.

Chairman KEFAUVER. Well, we are considering here our proposals to amend the postal laws on obscenity. Do you think they ought to be amended?

Mr. CAIDIN. That is a question I was hoping you would ask, Senator, and it is not one that I am going to be able to answer very well.

There are two public interests here to be served, and it is a very, very difficult question for this reason. Firstly, if the post office is given any broader powers than it has now, I think it would be extremely dangerous. The way the law is set up now, a hearing is held in Washington before the Post Office Department, by which merchandise is inspected by the Department, and if the Postmaster General in the exercise of his unlimited discretion should think the material is objectionable, he has the right to issue a stop order by which all incoming mail can be seized. Now, that is a power which is a dangerous power, because we are left to depend upon the Postmaster General's personal viewpoint as to what is objectionable and what is not objectionable; and we have much material that is along the line, or public morals or viewpoints might change, the sentiment of the country might be different at one time, or a particular man might think one set of photos is obscene and another man looking at the same set would think they are not obscene. Yet, if we give the Postmaster General the right in his own discretion to seize the mail, it could subject all the citizens of this country to a tyrannical power.

Chairman KEFAUVER. You mean, you think it might be a bad thing if the Postmaster General had the right to seize this stuff going through the mail?

Mr. CAIDIN. It depends on what the merchandise being sold is.

Chairman KEFAUVER. Well, do you think this ought to be declared obscene? That has been sent through the mail by your people, your clients.

Mr. CAIDIN. Well, it certainly is borderline. It is borderline.

Chairman KEFAUVER. Pretty close, you think?

Mr. CAIDIN. Yes. I would say that is borderline material; but I don't consider the merchandise sold in response to those ads as being obscene.

Chairman KEFAUVER. Well, the ads are just as important—more people see the ads than do the merchandise.

Mr. CAIDIN. Well, if you take those ads, I would say they were very poor taste. It is, as you say—

Chairman KEFAUVER. You wouldn't like your young children to be seeing too much of that.

Mr. CAIDIN. No. It is in poor taste. To say it is obscene, I don't know. I would have to look at the material with the ads, actually, to see if the material is obscene.

Chairman KEFAUVER. I know, but whether you get the material or not, here these are what they send out as a come-on for the others, and I expect more people see this than do the material.

Mr. CAIDIN. As I say, it is borderline. It is poor taste. I wouldn't say it is obscene. It is in poor taste.

Chairman KEFAUVER. Well, would you want your children to be reading this kind of stuff?

Mr. CAIDIN. No, sir; I wouldn't want my children to read anything in poor taste, including the comic books and much of our literature. I certainly wouldn't want that in my home; no.

Chairman KEFAUVER. Well, you wouldn't like your children to have these nude pictures around, would you, that they send out in response to this?

Mr. CAIDIN. I frankly—the nude pictures that I have seen——

Chairman KEFAUVER. Well, just answer the question. Do you want your children in possession of these nude pictures that your clients sent out?

Mr. CAIDIN. Well, I will have to make it a hypothetical answer, since my oldest child is 2½ years of age. I would answer the question "No"; I wouldn't want nude pictures personally around the house.

Chairman KEFAUVER. That is what we are getting at.

Mr. CAIDIN. Yes; but, as I say, it is a matter of taste; and if the pictures themselves are not obscene in the sense of being repugnant to a sense of morals or decency. I looked at the picture such as the Marilyn Monroe picture, and it doesn't seem obscene to me, sir. As I say, it is a question of morals and taste.

Getting back to the revision of the law——

Chairman KEFAUVER. Well, you appreciate the fact that young children are more impressionable than adults, aren't they?

Mr. CAIDIN. Yes, sir. I might say that I am sure we have all seen when we were youngsters pictures of—nude pictures and slides; and the point is——

Chairman KEFAUVER. But you don't advocate it, do you?

Mr. CAIDIN. I don't—I wouldn't want to make it a public platform that every child should receive nude films as part of his growing up; but they will get it, and I don't think it will do them any harm.

Chairman KEFAUVER. If they don't get too much of it?

Mr. CAIDIN. Well, as I say, the Marilyn Monroe picture in the hands of an adolescent isn't going to—I don't think it will have a bad effect on his future development or growth. I just don't see it.

But getting back, if I may, sir, to the question which you asked, which I suppose is the primary purpose of the committee——

Chairman KEFAUVER. Yes.

Mr. CAIDIN. As to recommendations in reference to legislation, I think that what we have are actually adequate laws, in this sense: I don't think the Post Office Department should be set up as a judge of the morals of the country, and if any broader powers would be given, that would be the case. I think the Postmaster General's powers are too broad now. I think we have criminal statutes that make it a criminal offense to send pornographic and lewd material through the mail. Penalty for violating that statute is a \$5,000 fine and 5 or 10 years' imprisonment. Now, if that is not an adequate safeguard against pornography, I frankly don't know what would be. If a man violates the law, he will be given a substantial fine and a prison sentence and will be convicted of a felony under our present existing laws.

Now, if men are sending pornographic material through the mail, they should be brought to trial on such statutes; but I don't see that the expansion of the powers of the postmaster are any answer.

Chairman KEFAUVER. Well, I appreciate your views about it. Of course, one thing, there is a loophole in the law about carrying it in trucks and automobiles, which we hope to get tightened up.

Mr. BOBO. Do you have any questions you want to ask?

Mr. BOBO. Mr. Caidin, I just wonder if this is the only arrangement you have had with people in this business, similar arrangement, with Ross and Tager? Have you had a similar arrangement with others in this same business, as to the matter of a fee for your representing them for a percentage of the business?

Mr. CAIDIN. It is possible. I may have.

Mr. BOBO. Do you know the names of who your clients might have been?

Mr. CAIDIN. Yes, sir. I think I had one other arrangement of that type.

Mr. BOBO. Who was that, Mr. Caidin?

Mr. CAIDIN. I refuse to answer the name of the party, except in closed doors, as a privilege between attorney and client. I am not privileged, as an attorney, to mention my client's name.

Mr. BOBO. Had you represented this person in a cease-and-desist order and received your contingency on the basis of that?

Mr. CAIDIN. Which person are you referring to now?

Mr. BOBO. This second person of whom you are speaking now.

Mr. CAIDIN. I don't believe so.

Mr. BOBO. Is the 10 percent fee—that attorney-client relationship that you are expressing there, is the 10 percent for services performed or is it a part of the business?

Mr. CAIDIN. No. No. I am not sure. Frankly, I am not sure that I had such an arrangement with another one. I might have had it with one other party, I am not sure. I would have to check my files. It might have been a straight retainer or straight percentage, but I think of another party that I might have had such an arrangement with. I am not sure.

Mr. BOBO. But it wasn't for past services performed?

Mr. CAIDIN. Yes. It was a combination of past services—it was for services being performed, if there was such an arrangement. I don't recall.

Mr. BOBO. Did you receive monthly payments on a gross part of the business that this other person did, gross monthly?

Mr. CAIDIN. I don't believe I had such an arrangement.

Mr. BOBO. Do you know what they amounted to, what the payments in this particular instance amounted to?

Mr. CAIDIN. Very small.

Mr. BOBO. You have no idea as to the approximate amount?

Mr. CAIDIN. Oh, it might have been a thousand five hundred—five hundred to two thousand dollars.

Mr. BOBO. That is per month?

Mr. CAIDIN. Oh, no. That is, I think, all I received.

Mr. BOBO. All you received at any time.

Chairman KEFAUVER. Did you have anything to do with this association?

Mr. CAIDIN. No, sir.

Chairman KEFAUVER. Do you know about it?

Mr. CAIDIN. This is the first I heard about it, was here.

Chairman KEFAUVER. Anything else, now, Mr. Caidin, you want to say?

Mr. CAIDIN. Well, no, except I don't think the committee should go into these problems between attorneys and clients and fees and all that business.

Chairman KEFAUVER. Well, Mr. Caidin, it appears to us that this was more than an attorney-client arrangement. You were actually—at least had a contract to get 10 percent of the business; 10 percent, as far as we know, just on and on. Well, maybe it didn't work out that way, but that looks more like a participation in the business rather than just a representation.

Mr. CAIDIN. As I say, sir, the agreement was not enforced. One, it was never observed. Second, as long as it is a proper business, like if it is no different than if it was Sears, Roebuck mail-order house, this is a mail-order business; and if there is any difference between a legitimate mail-order house and receiving a contingent fee from that and receiving a contingent fee in any other type of case, as long as the business is proper and approved by the courts, it is a proper business.

Chairman KEFAUVER. I don't hear many fees based—attorneys base fees upon the amount of recovery. If you have a negligence case, you get 25 percent or whatever the amount of recovery; but certainly it is uncommon to me that lawyers are paid by a corporation or business on the basis of a percentage of the gross sales of a business.

Mr. CAIDIN. I have handled many, many business deals, sir, outside of this field, in which I have a participating arrangement with the client for legal services; and I particularly refer, of course, to the motion-picture business. It is a frequent custom.

Chairman KEFAUVER. To get a percentage of the gross sales?

Mr. CAIDIN. Of the income from a motion picture; yes, sir. That is, producers—I have in the office now at least one motion picture, and I have had several television programs and other materials of that type in which our fee was a retainer plus a percentage of the income.

Chairman KEFAUVER. That would be for legal services on that one picture, wouldn't it?

Mr. CAIDIN. It would be for legal services on the picture; yes, sir.

Senator KEFAUVER. Here are these people operating under different names, over a long period of time, a general business. Do you know of any case like that?

Mr. CAIDIN. A television series would go—

Senator KEFAUVER. I am not talking about a series. A person has a X corporation, engaged in the hotel business, the theater business. Some lawyer gets a percentage of the gross sales, gross business. I have never heard of it.

Mr. CAIDIN. Well, sir, it is not an uncommon arrangement.

Chairman KEFAUVER. Well, have you had any arrangement like that?

Mr. CAIDIN. In the motion picture and television field I have.

Chairman KEFAUVER. I mean, of the gross sales of the whole company, a percentage of the gross sales of the whole company?

Mr. CAIDIN. Well, yes, sir. An independent production—

Chairman KEFAUVER. I am not talking about just some film, where it is just a 1 film or 1 production. I mean, XYZ motion picture company, you get 10 percent of the gross sales of the whole company?

Mr. CAIDIN. I personally haven't had it, but I am sure lawyers have had it.

For instance, to get back to motion pictures, if I may, where a company is formed, it might make 10 pictures and give a 10-percent running interest to the attorney for all the pictures they might take. That is not an uncommon arrangement.

Chairman KEFAUVER. All right, Mr. Caidin, Thank you, sir.

Mr. CAIDIN. Thank you.

Senator KEFAUVER. Now, who is our next witness?

Mr. BOBO. Mr. Stapenhorst.

Chairman KEFAUVER. Mr. Ralph E. Stapenhorst, please.

How are you, Mr. Stapenhorst?

All right, Mr. Bobo.

(Mr. Stapenhorst was sworn.)

TESTIMONY OF RALPH E. STAPENHORST, POSTAL INSPECTOR, GLENDALE, CALIF.

Mr. BOBO. Mr. Stapenhorst, would you state your full name and address and your position for the benefit of the record?

Mr. STAPENHORST. My name is Ralph E. Stapenhorst. I live at 409 West Lexington Drive, Glendale 3, Calif. I am employed as a post office inspector and domiciled at Los Angeles, Calif.

Mr. BOBO. As a post office inspector, what do your duties consist of?

Mr. STAPENHORST. Among other cases assigned to me for investigation at Los Angeles, are many involving possible dealers in obscene matter.

Mr. BOBO. In following through on these particular cases, have you ever dealt with any matters involved in sending nude photos through the mail, the type of material which we have been discussing here this morning?

Mr. STAPENHORST. Yes, I have; starting early in 1948.

Mr. BOBO. What is the position of the Post Office Department with regard to those engaged in the business of sending out advertising matter and in receiving orders back through the mail and mailing out these photo sequences?

Mr. STAPENHORST. The Postmaster General, postmasters, chief post office inspector and post office inspectors after a mailing has been made of the circular matter similar to that which has been shown to the committee, frequently receive complaints from both adults and the parents of juveniles who have received the advertising. Upon receiving such complaints, a case is issued for investigation by a post office inspector.

As is fairly well known, the post office inspector uses test names and addresses throughout the country to purchase this material. The evidence is then presented to the United States attorney for consideration of prosecution. We sometimes have cases involving what the dealers in this matter have called borderline material, in which a certain United States attorney does not wish to consider prosecution, but the inspector considers that it is sufficiently obscene and indecent to try to put the operator out of business. With material of this kind, the inspector submits a report to his inspector in charge, and it reaches the Department in Washington, and if the Solicitor, who is the legal authority for the Post Office Department, agrees, a hearing is held under the Administrative Procedures Act. If the evidence before the

hearing examiner for the Department is considered such, the Postmaster General issues an unlawful order.

Mr. BOBO. Mr. Stapenhorst, while you have been here in the Los Angeles office, have you become familiar with the Ross-Tager case which has been under discussion this morning?

Mr. STAPENHORST. I have considerable familiarity with parts of the Ross-Tager operation. I did leave Los Angeles for other assignments in February, 1950, and returned to Los Angeles in September 1953. So my knowledge of certain court actions and so forth with regard to Roy J. Ross and Louis Tager is partly from reading reports of other inspectors and partly from hearsay.

I did, however, cooperate with the United States attorney at Los Angeles in March, 1954, in the prosecution of Roy J. Ross and Louis Tager.

Mr. BOBO. From the file which you have and from your experience with that case, would you outline for us the operation of the Ross-Tager business that was revealed by your investigation and the Post Office Department investigation?

Mr. STAPENHORST. Another inspector determined the destination of numerous parcels mailed into the State of Kansas by Roy J. Ross and Louis Tager, and after interviewing many hundreds of addressees, we found that somewhere around 80 of them were juveniles, and those persons were willing to be witnesses in the prosecution of Ross and Tager in Kansas.

We have had testimony that that indictment was dismissed on the grounds that the court in Kansas did not have jurisdiction, as was a similar indictment in Detroit, Mich.

Chairman KEFAUVER. Against Ross and Tager there?

Mr. STAPENHORST. Against Ross and Tager in Detroit, Mich.

We had as witnesses in the Ross and Tager prosecution in Los Angeles five juveniles in the State of California who had purchased what we consider obscene material from Roy J. Ross and Louis Tager.

Mr. BOBO. What type of material is this, Mr. Stapenhorst?

Mr. STAPENHORST. Roy J. Ross and Louis Tager had an assortment of moving picture films that might have had 40 or 50 different titles. In the films were depicted—in one film, a female wearing an uplift brassiere and black panties, talking on the telephone and squirming around on a bed, in what some people would consider suggestive poses. In others females who have unusually large developed breasts take various provocative poses, and encircle the breasts with a rope, and otherwise call attention to their anatomy. In others 3 or 4 females in the nude might be playing baseball, and, of course, some people would get a lascivious reaction from such moving pictures.

Mr. BOBO. In addition to that were there still photos in color or slides?

Mr. STAPENHORST. Yes. Roy J. Ross and Louis Tager also sold through the mail in large quantities sets of photographs of females in the nude, and also color transparencies.

Mr. BOBO. You were telling us the outcome of the case here in Los Angeles before I stopped you, Mr. Stapenhorst.

Mr. STAPENHORST. Early in February, I believe it was, Louis Tager pleaded guilty to the first five counts in the indictment which charged mailing obscene matter, and to count No. 51, which charged conspiracy to violate the law regarding obscene matter.

A trial was had before Federal Judge Peirson M. Hall on about March 29, 1954, and the judge, after viewing a number of the films and examining the slides and photographs, declared that the material he had viewed was not obscene; that Roy J. Ross was not guilty.

Mr. Tager then moved to have his plea of guilty set aside, which motion the judge accepted, and the United States attorney was ordered to proceed with the prosecution later that afternoon. When the United States attorney informed the court that he wished to have some of the juvenile witnesses here and needed time, the action against Louis Tager was dismissed for want of prosecution by the Government.

Mr. BOBO. In the operation——

Chairman KEFAUVER. I didn't understand. Did he first plead guilty?

Mr. STAPENHORST. Louis Tager first pleaded guilty to the first five counts in the indictment and to the 51st count charging conspiracy.

Chairman KEFAUVER. And then he decided to change his plea?

Mr. STAPENHORST. He decided to change his plea on the afternoon that he learned that his partner, Roy J. Ross, had been found to be not guilty in court.

Chairman KEFAUVER. And then the United States attorney asked time to get the juvenile witnesses, then?

Mr. STAPENHORST. That is correct.

Chairman KEFAUVER. And the case—they didn't come in?

Mr. STAPENHORST. The action against Ross concluded about 2:30, and the court recessed until 4 o'clock that afternoon when the trial of Louis Tager was to proceed. Naturally, since the juveniles lived anywhere from San Mateo to San Diego, Calif., a distance of 120 to 400 miles, we couldn't have them here in an hour and a half.

Chairman KEFAUVER. We have the transcript of the record in that case which will be made an exhibit to the hearings at this time.

(The transcript referred to was marked "Exhibit No. 35," and is as follows:)

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION

Hon. Peirson M. Hall, judge, presiding

No. 23340—Criminal

UNITED STATES OF AMERICA, PLAINTIFF V. ROY J. ROSS, DEFENDANT

REPORTER'S TRANSCRIPT OF PARTIAL PROCEEDINGS

Los Angeles, Calif., March 23, 1954

Appearances

For the plaintiff: Laughlin E. Waters, United States Attorney, Los Angeles 12, California; by Manuel Real, Assistant United States Attorney.

For the defendant: Burke Mathes, Esq., 453 South Spring Street, Los Angeles 13, California.

Los Angeles, Calif., March 23, 1954, 2 p. m.

* * * * *

THE COURT. How long do you want to argue this case, Mr. Real?

Mr. REAL. Not too long, your Honor. I just want to point out a few things, and that is with relation to at least 4 of the movies which I thought, as I was watching, came within the purview of the statute. One was "Sheer Delight," and I think that goes beyond the art phase. In other words, we are going

to have a basis of whether or not it is art or whether or not it is actually lewd, and then in between there will be the varying degrees.

The COURT. No; the statute does not say anything about art.

Mr. REAL. I know it doesn't.

The COURT. The prosecution did not say anything about art.

Mr. REAL. That is correct.

The COURT. The statute says that they are obscene, lewd, lascivious, and filthy.

Mr. REAL. As to the basis of obscene, I think most of the tests have been established on whether or not they are art or they are obscene, and in between there has been a number where nobody could decide whether it might have been art or might not have been, or might have been obscene or might not have been. I think Sheer Delight crosses that line with the carressing of the hands and breasts and private parts which I think goes beyond the line.

The COURT. There was no evidence of that.

Mr. REAL. I thought I saw that in Sheer Delight.

Then the picture Enough Rope, with the tying up of the breasts, and in Satan's Daughter, again the carressing of the breasts, and I think Busy Signal, I think, was the worst of the lot.

The COURT. Why?

Mr. REAL. That was the one with the suggestion of moving around.

The COURT. Maybe she had to.

Your argument reminds me of the Frenchman who came to New York and saw the Empire State Building, and someone wanted to know what he thought of it. He said, "It reminds me of sex."

The other person asked him, "Why?"

"Well, everything reminds me of sex."

Mr. REAL. That is true. The human body reminds people of sex, but the thing is people don't normally sit and loll in a chair or on a bed, people don't normally do the things that were done in these particular films. It is not a normal reaction. It is not a normal result of any action of the human body; it is something that has been actually used to suggest the subject of sex to arouse people to sexual passions.

I think, Your Honor, in that respect there are two phases of this case. One phase is the phase about whether or not they are obscene; and even if Your Honor finds that they are not obscene, I might call Your Honor's attention to another one which is merely typical of the same one you saw, except it has more to it, and I am referring to Government's 49. I direct this particular part of the argument to the conspiracy count, which is count 51.

Of course, we can say this: That as far as intent goes there is no intent; that it is not necessary that they intend or that the person who is making the film intend that they be obscene; so whether or not they are obscene, whether he intended them to be obscene or not, is not a question so far as the substantive counts go.

I think we have here a little different question. Certainly the law has never punished intent alone. So even though they intend them to be obscene, if they are not in fact obscene, then you have gone beyond that, except in one situation, and I think the law provides this: that where somebody intends to violate a law of the United States under section 371, even though they don't accomplish their intent, if they make some act, whether it be an innocent act or a criminal act, toward that particular end, they are guilty of the conspiracy.

In that respect I might call Your Honor's attention to these exhibits—and there are many of them like this—in which it was an advertisement of the films themselves.

The COURT. That was the enclosure in those photographs?

Mr. REAL. No; this was another one. This was a circular that came out before.

The COURT. Was that the one that starts out with, "I have been a collector of nude pictures"?

Mr. REAL. No. This one starts with "Party films, private films, your films. These are my latest releases, made for you, just as you would have them for yourself, showing what you would have shown to be seen by yourself and your own personal friends," etc. And then they go on to describe the particular films that Your Honor saw.

I think from that you might conclude that even by their own admission in their own advertisements that these cannot be established as art films.

The COURT. What is obscene, lewd, lascivious and filthy about calling something a party film? That is a film for a party of people.

Mr. REAL. I realize that, Your Honor, that it may not be, but after you see the films you begin to realize that they are not party films, and the distribution that was given to these particular advertisements is not one that would show that they were distributed for that particular purpose.

I might call your attention to the stipulation in which you might recognize the first 10 counts, these ads went unsolicited to minors and certainly unsolicited to many people who did not want them. I don't think that you can say that they are party films in the sense that people would show them at a birthday party for a 9-year-old child or a birthday party even for a 21-year-old child.

I think that that is on the basis of the conspiracy count and it shows at least the intent to violate the status, section 1461. These are not made for any other purpose except to arouse the passions of the person, that is, the sexual passion of the person.

The COURT. And that makes it what?

Mr. REAL. Obscene, Your Honor.

The COURT. That makes it obscene?

Mr. REAL. At least in my estimation what I have considered to be obscene from the tests that have been provided.

The COURT. You mean sex is obscene?

Mr. REAL. Not sex in itself, Your Honor.

The COURT. What is it then?

Mr. REAL. Under the proper circumstances sex of course is not obscene. It probably—well, it is the end result of our very existence really.

The COURT. And the beginning too.

Mr. REAL. And the beginning.

But I think there are ways and means that that is to be actually accomplished and those ways and means were not shown in these films.

The COURT. No; I do not think it was shown in these films. I do not think anything was shown in these films.

Mr. MATHE. If the court please, if the arousing of sex was the intent I would be glad to submit it on that basis. But as they were being shown I watched the group here, and I think that was the last thing that anyone was thinking of. They aren't art, they aren't artistic in the least bit; I don't think the come within any of the tests laid down in the cases under the purview of the statute.

The COURT. If the arousing of sex, sexual desires, is to be the test of whether or not it is obscene, lewd, lascivious and filthy, such pictures as these are incomparable compared to scenes in motion picture films—

Mr. REAL. Yes, Your Honor.

The COURT. Where, with a series of events and suggestions and conversation, and the triangle between a man and a woman, they finally wind up showing them going to the bedroom—they do not show anything more—but certainly if that is the test then I think that the Postmaster General ought to take on all of the motion picture companies, ought to pick on Life magazine, in which pictures appear that are absolutely no different from these except these are animated—

Mr. REAL. And those are highly colored.

The COURT. Highly colored, yes, and they are circulated not only by the millions of copies in magazines, Life and others, but there must be tens of millions of pictures that are distributed and find access to a 9-year-old child and a 21-year-old child so that people do not have to waste their money for these kind of pictures.

Mr. REAL. Your Honor, I think the animation is what makes its obscenity, not the mere showing of a picture.

The COURT. It does not make it any more obscene than motion-picture films where they maybe have more clothes—not much—maybe have more clothing, but are certainly calculated to do nothing else but to arouse the sexual desires. If this defendant was up here on a charge of using the mails to defraud on the ground that he had represented to people that they were going to get some obscene and lewd pictures and sent them these, I think maybe you might have a case.

Mr. MATHE. Perhaps a much greater case than at present, Your Honor. But you don't have the presence of the mail fraud section at all which might contribute to coming within the purview of the statute. It is entirely a solo act and the best you can say of it is it might be a borderline case.

The COURT. I do not think it is even a borderline case, counsel.

The whole case, in view of the stipulation of facts here, depends upon whether in the long run the pictures which I have seen, the motion pictures, the still films and the slides, are lewd, obscene, lascivious, and filthy, and by no means can I reach that conclusion.

The matter of what is obscene, lewd, lascivious, and filthy depends upon the mores of the times. No doubt there was a time when a picture of any woman of more than above her ankle, her knees and thigh, was considered indecent and was considered lascivious. It would not be, I do not think, considered obscene. But certainly in the past 50 years in the standards by which courts and everybody else has to do in the abdication of these words of the statute and the only standards you can go by is what is common and general.

In the oriental countries and in many European countries, but particularly in the oriental countries, people walk along the street and they think nothing at all of urinating on the sidewalk or off the sidewalk in the presence of everybody, or even performing the action of excreta. Here that would be obscene and it would be filthy. To them it is not.

Now our standards have not gone that far, but certainly the standards in the United States, which are the current standards, you cannot judge these by the standards of today when a woman could not show any more of her form than above her shoetop and could not even show her ankle, but certainly there is nothing in any of these pictures that I have seen that compares in suggestivity (if that is the word to be used) of pictures that have appeared in Life magazine, Look magazine, all kinds of art magazines that are for sale by the millions of copies, or calendars distributed free, post cards, photographs, found every place in every store, so that now it has become commonplace. The picture of a naked woman just does not arouse or attract attention anymore. In fact, they have to build it up with the kind of advertisements that you have here, so you think it is going to be something special, in order to get it.

Insofar as these pictures are concerned, I noticed there was not one single frame of the motion pictures where there was shown the sexual organs of a female. In fact, in every pose and posture they seemed to be careful to conceal it.

And insofar as showing the breasts of women, which these pictures mostly did—of course they have a freak of nature in there in one of them who probably should have been in a circus, or may be now for all I know—but as far as that is concerned, if there had been one one-hundredth of an inch more or less on women's dresses at parties that you and I and Mr. Real and post office inspectors—and no doubt the Postmaster General—see every day, why their breasts would be just as fully shown as they are here. I refer to one less wire, or stay, or whatever they call it.

There was nothing in the way of pornography here, which usually goes with these things that are regarded as obscene, lewd, and lascivious. There was no sodomy. There was no buggery, which has been shown in films of all kinds heretofore, and which have been condemned, and which I as a judge have condemned, and which everybody condemns because those are obscene, lewd, lascivious, filthy, and disgusting.

Then so far as these still photographs—well, if there were not more calendars given away with more of the human form shown and more lewd and suggestive than these are, and transmitted through the mails, I have not been living for a long time.

Now insofar as the other standards are concerned, I have no doubt but what there are people that would consider any picture of a naked woman in any pose as obscene, lewd, lascivious, and filthy, but I do not think that that is the general standards and concepts of American life today. The concepts we had years ago have disappeared because things like that have become commonplace. And certainly here in this case I have not seen anything that would even justify in my judgment the expense to which the United States has been put up to this moment in the matter of the prosecution of this case.

I have no doubt but what, in view of the care and meticulous way with which the record has been taken in connection with the stipulation and in view of the fact that there has been no oral testimony but that it has resolved itself upon my judgment, that a record has been made here for the purpose of imposing upon my brethren in the circuit court of appeals an appeal in this case so that they must sit down and go through the experience which I have had today looking at these pictures.

But I cannot be deterred in that and I cannot give consideration to that. I am bound by my duty here and by every concept that I have. The pictures are not obscene, they are not lewd, they are not lascivious, and they are not filthy, and they are a waste of time to look at for anybody.

The judgment of the court is a judgment of not guilty for the defendant. His bond is exonerated and the defendant is discharged.

(Whereupon, at 3:55 p. m., court was adjourned.)

CERTIFICATE

I hereby certify that I am a duly appointed, qualified, and acting official court reporter of the United States District Court for the Southern District of California.

I further certify that the foregoing is a true and correct transcript of the proceedings had in the above-entitled cause on the date or dates specified therein, and that said transcript is a true and correct transcription of my stenographic notes.

Dated at Los Angeles, Calif., this — day of April A. D. 1954.

_____, *Official Reporter.*

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA, CENTRAL DIVISION

UNITED STATES OF AMERICA, PLAINTIFF, *v.* LOUIS TAGER, DEFENDANT

No. 23340—Criminal

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, Calif., March 29, 1954

Appearances

For the plaintiff: Laughlin E. Waters, United States attorney, Los Angeles 12, Calif.; by Manuel Real, assistant United States attorney.

For the defendant: Caidin, Bloomgarden & Kaiman, 9441 Wilshire Boulevard, Beverly Hills, Calif.; by Stanley R. Caidin, Esq.

Los Angeles, Calif., March 29, 1954, 10 a. m.

THE COURT. Any ex parte matters?

MR. CAIDIN. Your Honor, in the matter of *United States v. Ross and Tager*, I represent the defendant Louis Tager and at this time would like to ask leave of court to withdraw the plea of the defendant Louis Tager of guilty to counts 1 through 5 of the indictment and count 51, change the plea to not guilty, and ask that the court at this time dismiss the action as to this defendant.

THE COURT. He pleaded to all counts, did he not?

MR. REAL. No. Six counts, Your Honor.

THE COURT. Your motion is to withdraw the plea of guilty heretofore made as to the six counts?

MR. CAIDIN. Yes, Your Honor, counts 1 through 5 and count 51.

THE COURT. Is the defendant here?

MR. CAIDIN. No, Your Honor, he is not.

THE COURT. I will not proceed unless he is here. I want to ask him about it.

MR. CAIDIN. I will be back then with the defendant, Your Honor.

THE COURT. Very well.

* * * * *

Los Angeles, Calif., March 29, 1954, 2 p. m.

* * * * *

MR. CAIDIN. I have my client in court this afternoon, Your Honor, in the matter of *United States v. Ross and Tager*.

THE CLERK. Case No. 23340, Your Honor.

MR. CAIDIN. We should at this time like to ask leave of court to withdraw the plea of guilty of Louis Tager to counts 1 through 5 inclusive and count 51 of the indictment and substitute for that plea—

THE COURT. Do you move to withdraw your plea heretofore entered for the purpose of entering another and different plea?

MR. CAIDIN. Yes.

THE COURT. Is the defendant here?

MR. CAIDIN. Yes.

THE COURT. Come forward.

You are the defendant Louis Tager?

THE DEFENDANT. Yes, Your Honor.

The COURT. You have heard the motion of your counsel to withdraw the plea of guilty and enter another and different plea. Is that your desire?

The DEFENDANT. Yes, sir.

The COURT. The motion is granted.

Mr. REAL. Your Honor, may I be heard before Your Honor rules on the motion?

The COURT. If he wants to withdraw his plea of guilty, a defendant may do that at any time and it is no business of the United States attorney.

Mr. REAL. Well, Your Honor, I have a case that says otherwise.

The COURT. He can withdraw his plea of guilty. He has not been tried.

Now I will ascertain his plea and on the next move you can be heard on it.

Ascertain the defendant's plea.

The CLERK. What is your plea to count 1 of the indictment?

The DEFENDANT. Not guilty.

The CLERK. And as to all other counts up to and including count 51?

The DEFENDANT. Not guilty.

The CLERK. A plea of not guilty as to all 51 counts, Your Honor.

The COURT. Are you ready to set the matter for trial?

Mr. REAL. Yes, we are, Your Honor.

The COURT. I will try it this afternoon after I finish with the rest of my calendar. You may stand aside.

Mr. CAIDIN. Your Honor, I have a jury trial in Department 63 of the Superior Court.

The COURT. When?

Mr. CAIDIN. Right now. They are holding it until 2:30.

The COURT. I will set it for trial tomorrow morning.

Mr. CAIDIN. I will be in this jury trial for 2 or 3 days.

The COURT. How long will it take to try? It is liable not to take very long, is it not?

Mr. REAL. It depends on whether or not we are going to stipulate to this also, Your Honor, whether or not it is going to be tried by stipulation.

The COURT. I will try it right now, if you are willing to stipulate that the stipulation filed in the case as to the defendant Ross may be stipulated to and that all of the evidence introduced in that case in behalf of the Government may be deemed to be introduced in this case. Is that your stipulation?

Mr. REAL. That wasn't my stipulation. I thought we might go through the trial.

The COURT. You mean listen to this all over again?

Mr. REAL. At least the stipulation and possibly go through part of it again.

The COURT. You mean show some of those same pictures over again?

Mr. REAL. Very possible.

The COURT. I understood the defendants were up for punishment, not the judges.

What do you not want to stipulate to?

Mr. REAL. We will stipulate to all the facts of the case. Your Honor, it is just that we want to go through the trial.

The COURT. You mean you want to show those pictures over again?

Mr. REAL. If Your Honor wants to see them.

The COURT. I do not want to see them. Is there anything different about them than there was before last week?

Mr. REAL. No; there isn't.

The COURT. Are you willing to accept the stipulation?

Mr. CAIDIN. I would like to stipulate that the pictures heretofore introduced be deemed to be introduced at the trial of the defendant Louis Tager and that this case be disposed of on the same evidence.

The COURT. That all of the evidence introduced on behalf of the Government be reintroduced?

Mr. CAIDIN. That is correct.

The COURT. Will you stipulate to that?

Mr. REAL. I can't do that, Your Honor.

The COURT. Do you have additional evidence?

Mr. REAL. No, but my instructions are not to do that.

The COURT. Not to do that? Do you offer it all in evidence?

Mr. REAL. We will offer it in evidence. I have it upstairs.

The COURT. Will you stipulate that they may be deemed to be in evidence?

Mr. REAL. As soon as I bring them down, Your Honor. I can't do that when they are up in my office.

The COURT. These are the same pictures that I saw last week?

Mr. REAL. They are, Your Honor.

The COURT. And you are under instructions not to stipulate that I have seen them once?

Mr. REAL. That this case may be tried on the evidence already introduced.

The COURT. Your instructions are not to do that?

Mr. REAL. That is correct, Your Honor.

The COURT. And what other evidence do you have?

Mr. REAL. We have none other than that, but we want to go through this evidence in this trial. We will make the stipulation and we will set up, you might say, the record.

The COURT. Set up the record?

Mr. REAL. Yes.

The COURT. That stipulation sets up the record for you now.

Mr. REAL. We have no objection to it being continued until Mr. Caidin can come over here again.

The COURT. If your only purpose in continuing it is to compel me to look at those horrible pictures again—or are you going to demand a jury trial?

Mr. REAL. No; we are not.

The COURT. Do you waive a jury trial?

Mr. CAIDIN. Yes; we waive a jury trial.

The COURT. You had better file a written waiver, then.

You say you have to be in the superior court?

Mr. CAIDIN. Yes, Your Honor. I could be back here probably at 4:15.

The COURT. I will hold the matter on the calendar this afternoon.

Mr. CAIDIN. Thank you, Your Honor.

* * * * *

The COURT. Are you ready for trial?

Mr. REAL. We are not.

The COURT. Where are your motion picture operators?

Mr. REAL. They are upstairs.

The COURT. Get them down here. I am going to try this case if it take until midnight. I will set it for trial beginning at 9 o'clock tonight if you insist on trying it.

Mr. REAL. There are my instructions, Your Honor.

The COURT. Very well.

We will have a short recess.

(Short recess.)

The COURT. The motion was granted to vacate the plea of guilty and this matter was continued until this time for trial. Has the jury waiver been signed?

Mr. CAIDIN. No, Your Honor.

The COURT. It must be signed by Government counsel as well.

Mr. REAL. Your Honor, in that case the Government is not prepared to go to trial for the reason that we felt that the motion that was served on us on the 24th of March, 1954, should not have been granted because Mr. Tager entered his plea voluntarily and freely. There was no surprise or inadvertence or any mistake in the entry of the plea. He was represented by adequate counsel, and under the case of *Friedman v. United States* (200 F. (2d), p. 690), the motion should not have been granted.

We are not ready to go to trial. We do not have our witnesses here. They are witnesses that would have to come from all over the country and therefore we are not prepared to go to trial at this time, Your Honor.

The COURT. Is the jury waiver signed?

Mr. REAL. I have here a jury waiver signed by the defendant Tager and by his counsel Stanley Caidin and by myself on the part of the Government.

The COURT. It will be approved by the court.

Do you consent to a waiver of jury, Mr. Tager?

The DEFENDANT. Yes; I do, Your Honor.

The COURT. You have heard the statement of Government counsel, Mr. Caidin. Are you ready for trial?

Mr. CAIDIN. Yes, Your Honor. We will stipulate that all of the material heretofore introduced in this action on March 23, 1954, was sent through the mails by Mr. Tager.

The COURT. Will you accept the stipulation in writing which was filed on the trial of the defendant Ross?

Mr. CAIDIN. Yes, Your Honor. We accept that stipulation.

The COURT. Would you accept that stipulation, Mr. Real?

Mr. REAL. Your Honor, I cannot do that at this time.

The COURT. You mean the Government expects to bring all these witnesses here on all these accounts rather than to accept the admission by the defendant in this stipulation?

Mr. REAL. That is our position at the present time, Your Honor.

The COURT. Do you also offer to stipulate that all of the exhibits which were put in evidence—as I recall, there was no oral testimony——

Mr. REAL. That is correct.

The COURT. All the exhibits that were put in evidence in the case of *United States v. Ross* may be deemed to have been admitted in evidence against this defendant?

Mr. CAIDIN. Yes, sir.

The COURT. You offer to make that stipulation?

Mr. CAIDIN. Yes, Your Honor. And I hereby expressly agree to that stipulation.

The COURT. Well, counsel, there seems to me to be nothing else to prove. The stipulation in evidence here agrees to all of the allegations of the indictment concerning the mailing, the contents of mailing, and counsel here has agreed that all of the pictures and other material which were introduced in evidence may be introduced in evidence against his client in this case.

I have seen them once. I have seen them sufficiently recently that I am quite sure that I would see nothing different in them if I looked at them again, and for that reason I can see no reason why the Government should not proceed to trial forthwith because the trial could be over immediately.

Mr. REAL. Your Honor, it is the feeling of the Government that the Government has a right to have Your Honor hear the witnesses in the case and hear their testimony.

The COURT. Hear their testimony?

Mr. REAL. That is correct.

The COURT. Even though they stipulate that everything was done?

Mr. REAL. That is correct, Your Honor.

The COURT. Well, I think it is quite an unusual attitude on the part of the Government in view of the many trials that are set. The defendant admits that he did all of the things that he is charged with doing here, and under the previous trial the whole question of whether or not they are lewd, lascivious, obscene, and filthy, and I held that they were not.

If the Government is not ready for trial, the case will be dismissed for lack of prosecution. The defendant is discharged and his bond is exonerated.

Court is adjourned.

(Whereupon, at 4:20 p. m., court was adjourned.)

CERTIFICATE

I hereby certify that I am a duly appointed, qualified, and acting official court reporter of the United States District Court for the Southern District of California.

I further certify that the foregoing is a true and correct transcript of the proceedings had in the above-entitled cause on the date or dates specified therein, and that said transcript is a true and correct transcription of my stenographic notes.

Dated at Los Angeles, Calif., this — day of April A. D. 1954.

———, *Official Reporter.*

Mr. BOBO. In the operation of these businesses by Ross and Tager, on a post-office investigation of them where they are constantly changing names and addresses, what is the difficulty that the Post Office Department faces in that, Mr. Stapenhorst?

Mr. STAPENHORST. That many of the addresses used by these people we find that someone has come in and rented the privilege of receiving mail and paid a fee which ranges all the way from \$2 or \$3 a month to in some cases \$25 a month. The operators of these secretarial services outside of Los Angeles are frequently not very careful in obtaining the true name, and a good address for the person who is

using a fictitious name at the secretarial service. We frequently find that there is no such address, and if there is such an address, that it is a motel where the renter of the privilege may have stayed 1 night 3 months before, and similar circumstances.

Mr. BOBO. In other words, if you get a fictitious order out against the XYZ company, by the time you can move in and either stop the mail or return the mail to where it is coming from, their mail will be going over to another address?

Mr. STAPENHORST. That is correct. Mrs. Tager described rather clearly the plan of operation of some of these operators. It is to mail anywhere from 3,000 to 20,000 letters, perhaps; receive the orders at the mail receiving privilege or through the post office box for a period of 10 days or 2 weeks. At the end of that time, fill the orders, and possibly within a few days the person using that fictitious name is informed that his mail is being held from delivery and he should appear before some official in the post office to establish his identity. Now, one of the difficulties post office inspectors have had continuously with these operations is that we may receive a complaint 2 or 3 days after the mailing has been made. The inspector may promptly place an order for the merchandise, suspecting that it is obscene. He does not receive the merchandise until the operator takes it upon himself or herself to fill the orders received. After the inspector has received the merchandise, the operator has received the bulk of his orders and frequently has no interest in the 12 to 50 pieces of mail which arrive after the mail addressed to that fictitious name is held up.

Mr. BOBO. Mr. Stapenhorst, you stated that Mrs. Tager's testimony relative to that particular thing was rather clear and adequately described it. In your familiarity in reading the file of the Ross-Tager operation, would you say that basically the story which she told of this operation as revealed by your investigation was substantially correct?

Mr. STAPENHORST. My knowledge of the Roy J. Ross and Louis Tager and Dorothy Tager operations is rather sketchy. I was not in the area very much at the time, and my information about her operations is not very complete.

Mr. BOBO. Were you familiar with the cease and desist order that was gotten against the Post Office Department, or were you familiar with the details in the Las Vegas and the Phoenix and the Tucson cases, where Mrs. Tager had difficulty in having her mail released to her?

Mr. STAPENHORST. No, sir, I was not.

Mr. BOBO. Mr. Stapenhorst, do you have any suggestions as to how the fictitious order could be improved, where the post office inspectors could descend upon these people in a more rapid fashion?

Mr. STAPENHORST. I would strongly recommend that the Congress consider legislation authorizing the Postmaster General to order the impounding of mail addressed to a person, firm, corporation or partnership which is suspected of dealing in matter which may be in violation of law. The mail would be impounded, pending a proper hearing. If the hearing established that the business was legal and not in violation of any law, the operator could have his mail. If it was established that the business was in violation of law, the mail would then be returned to senders by the postmaster, suitably endorsed.

Mr. BOBO. In the Hollywood and the California area, the district covered by the Los Angeles office, is the volume or the number of people engaged in this business of selling nude photos and nude films—what would you say the extent of that operation is in this area?

Mr. STAPENHORST. Well, there may be deposited in the mails each day anywhere from a thousand to four or five thousand, perhaps more than that numbers of letters addressed to prospective customers.

As to the dollar volume, as to the total number of incoming orders every day, there are scores of operators, large and small, in these businesses, and I would have no way of knowing.

Mr. BOBO. Do you have any approximation? Have you ever worked on a case that would give you an idea as to the volume of business which an operator might do?

Mr. STAPENHORST. I am aware that at times, day after day or evening after evening, Roy J. Ross and Louis Tager would deposit for dispatch 30,000, 40,000, and 50,000 letters a day. There is a statement somewhere in the record that on one day 100,000 first-class letters were mailed to prospective clients.

I have also seen large quantities of the outgoing parcels mailed by Roy J. Ross and Louis Tager at the Van Nuys Post Office.

Mr. BOBO. From the complaints that the Post Office Department received in Los Angeles and of the complaints with which you have knowledge, what is the extent of the business?

Mr. STAPENHORST. You mean in—

Mr. BOBO. In relation to juveniles or in relation to any other person, people complaining that this material was sent to them from the Los Angeles area.

Mr. STAPENHORST. The business seems to maintain more or less of a level. I would doubt that at the present time all the dealers in obscene matter are mailing thirty to fifty thousand letters a day as Roy J. Ross was doing himself at one time. Other than that, I know there are scores of operators in this area, as revealed by the ads in the so-called girlie magazines.

Mr. BOBO. We have received a number of complaints in our office in Washington of the Male Merchandise Mart. Have you done any investigation on that particular case?

Mr. STAPENHORST. Yes, I have.

Oh, do you wish some details on the extent of the operation?

Mr. BOBO. Yes.

Mr. STAPENHORST. In February 1954, the Postmaster General received hundreds of complaints concerning the Male Merchandise Mart. On March 1, 1954, the Postmaster General—

Mr. BOBO. Where is this Male Merchandise Mart?

Mr. STAPENHORST. Male Merchandise Mart has an office and packing room at 8627 Melrose Avenue, Los Angeles 46, Calif.

The records of the county clerk of Los Angeles County reveal that the owner of the firm is V. E. Stanard. V. E. Stanard is known to me as Violet Evelyn Alberts, the wife of David Stephen Alberts, a man who has been convicted in both the State and Federal courts on charges of dealing in or mailing obscene matter.

Mr. BOBO. What type of obscene matter has that operation, the Alberts operation, been, Mr. Stapenhorst?

MR. STAPENHORST. In March 1954 the mail was impounded upon order of the Federal judge. In August 1954 it was released to the plaintiff after a civil action had been filed and heard, because the evidence before the court consisted only of the advertising.

Before me I have a recently mailed circular of Male Merchandise Mart, and the circular starts out at the top:

BANNED BY BIGOTS WHO CAN'T STAND THE MEANING OF THE WORD "SEX," BUT
AVAILABLE TO YOU IF YOU HURRY

The Male Merchandise Mart firmly believes that mature men of clean minds are entitled to choose their own literature. We have waged a relentless war against prudes and self-appointed censors who would keep these fascinating and enlightening books from you.

NOTE.—We make every possible effort to prevent these books from reaching young people or persons who would use them for the fulfillment of indecent desires.

At this point I would like to make an observation. Some years ago I made approximately 25 test purchases from David S. Alberts and from some of the firm names he was using at that time. I say under oath, and I could produce the records to prove it, that on every single one of the orders I sent to David S. Alberts I did not put anything in the space which called for the customer's age.

Inside the circular are described 26 books on every angle of sex. Some of the titles are:

Aphrodisiacs and Anti-Aphrodisiacs: Subtle, unusual methods of stimulating sex interest in yourself and your mate.

The History of Flagellation: Strange, lurid cases of men and women submitting to lash and fang for sex gratification. McCabe. \$1.

Bestiality and the Law: The shocking prevalence of sexual relations between humans and animals. Niemoeller. 55 cents.

Bestiality in Ancient and Modern Times: Shameful revelation of why some women must have male animals under their roofs. Niemoeller. 55 cents.

What Is a Hermaphrodite?

Why Males Wear Female Attire.

Magical Secrets of Love: Sexual witchcraft.

William Heirens, Notorious Sex Maniac: Case histories of lust-crimes and their perpetrators. Cauldwell. 55 cents.

Petting as an Erotic Exercise: Precoital techniques among the unmarried and wedded discussed.

Revelations of a Sexologist.

Private Letters From Homosexuals to a Doctor.

The Intimate Embrace: Scientific discourse on the various positions of embrace. A recommended study for husband and wife. Cauldwell. 55 cents.

So much for the books on every angle of sex.

Are ordinary novels too tame for you? Here's exciting, intimate reading that gives you that thrill!

POCKET-SIZE EDITIONS, 15 CENTS EACH. MINIMUM ORDER, \$1

Curious and Unusual Love Affairs.

Confessions of a Minister's Daughter.

Amorous Tales of the Monks.

The Love Affairs of a Priest and a Nun.

The Prostitute and Her Lover.

Art of Intimacy in Marriage.

All for 15 cents, mind you. Minimum order \$1.

Then they have Sex in Prison, Wild French Cartoons, The Flimsey Report, and French Love Stories.

Rare Specials.—These are full-length unabridged hardcover books, that have been ordered out of print in this edition. Each one is a "must" for your very private collection. \$2 each:

Naughty Bedtime Books.
Bedroom With a View.

There are 2 for \$1, 5 for \$2, or all 9 books for only \$3:

Bed Time Girl.
Brutal Kisses.
Come Night, Come Desire.
Everybody Loves Irene.
Four Dames Named Sin.

Chairman KEFAUVER. We will make that an exhibit to your testimony, Mr. Stapenhorst.

(The circular referred to was marked "Exhibit No. 36," and is on file with the subcommittee.)

Chairman KEFAUVER. Go ahead, sir.

Mr. STAPENHORST. On the circular which accompanies the one printed in black on yellow paper is an announcement:

MEN . . . LET'S FACE IT!

There's a lot of "sock" that can be gotten from adult items dealing with our favorite subject . . . sex. But you've got to play by the rules, and that is restrict these items for adult use only. We can bring you these hard-to-get, genuine private stag items if you keep your pledge.

Among the items sold are:

Wow! Wolf Deck!! Sold to adults only!

\$3.50 deck, 2 for \$6.

A pack of beauty.

Art slides in natural color.

Body in art.

Peep show.

Real old-time cartoon booklets. A whole flock of 'em for \$2—and a flock of "rare enjoyment" in every one!

Just the kind that dad used to carry around in his vest pocket and show the gang at the Saturday night poker session. They are rich!

All new and good—a big assortment, \$2.

Beauty in Bondage: Whose heart would not thrill in pity at the poor, helpless, cruelly gagged and bound young creatures, completely at the mercy of their brutal captors.

Marilyn Monroe playing cards, \$3 per deck. Special: Both decks, \$5.50.

Banned before—now available for first time!

Banned from the mails as lewd . . . now, a special court ruling makes this great nude available to you for the first time. "Her nude, not lewd." says the judge!

Chairman KEFAUVER. We will make that an exhibit to your testimony, too.

(The announcement referred to was marked "Exhibit No. 37," and is on file with the subcommittee.)

Mr. BOBO. Along that same line, Mr. Stapenhorst, may I interject—

Chairman KEFAUVER. Well, Mr. Stapenhorst, I was interested in one picture here that we have had a lot of testimony about. That is this bondage testimony, Tina's Torture. We have had testimony of psychiatrists that these bondage pictures have a very deleterious effect upon young people. You didn't mention that one. That is one of the ones up here [indicating]. What does that say?

Mr. STAPENHORST. (Reading):

Tina's Torture is advertised:

"Best bondage serial ever made."

Read what happens when a beautiful female spy captures Tina, innocent young daughter of a brilliant scientist, and attempts to force a secret formula from her sweet lips.

What terrors await Tina in the secret dungeons?

Tina couldn't understand why she was bound so strangely until her evil tormentor called in the assistant. How could Tina know why the French maid trembled eagerly as Tina's body heaved with pain?

Does Tina reveal her father's secret? We couldn't blame Tina if she did when one bondage and torture device after another subjected her to humiliation and pain.

You'll find all the answers graphically illustrated and fired with imagination in this amazing new series.

Episodes Nos. 1 and 2 are now ready. \$3 per episode; \$5 special.

Both episodes Nos. 1 and 2 (6 sensational scenes), each episode on 8 by 10 glossy photo.

Final 18 chapters of Tina's Torture are now ready. Special price for all 20 chapters is only \$18 if bought at one time; 10 chapters for \$12, 3 chapters for \$5.

Mr. BOBO. I would like to interject just a moment, if I might, Mr. Stapenhorst, that the subcommittee answered a number of ads that appeared in magazines on stationery in a very scrawled hand; the stationery being headed "Eastern High School, Washington, D. C." We signed these with the names of "Claude Marvin" and "Peter Nicholas," represent the first names of two staff members of the subcommittee. We received an answer from the Male Merchandise Mart containing exactly the material which you have described there.

Chairman KEFAUVER. Let this be filed as an exhibit.

(The material referred to was marked "Exhibit No. 38," and is on file with the subcommittee.)

Chairman KEFAUVER. You mean that it was written on the letter-head of Eastern High School?

Mr. BOBO. Yes, sir; on student stationery with "Eastern High School" on the head of it.

Chairman KEFAUVER. And you got back the same material?

Mr. BOBO. Exactly the same.

Chairman KEFAUVER. The same material that Mr. Stapenhorst has been describing. All right.

Mr. BOBO. Mr. Stapenhorst, have you done any survey or received any data relative to the volume of business that was done by the Alberts operation?

Mr. STAPENHORST. In March and April of this year a count was kept of the number of pieces of mail which were delivered to Mrs. V. E. Standard and her husband, David S. Alberts, at the west branch of the Los Angeles post office. This count did not include in the totals the number of letters which were returned to the sender, which sometimes ranged up to two or three hundred pieces a day. The volume ran from 497 to 1,033 letters a day addressed to Male Merchandise Mart, Stag Shop; various other enterprises operated by David S. Alberts and his wife; for an average of 696 letters per day over a 7-day period.

I have no information concerning the volume at the present time, but I would assume that it is about the same, possibly a little greater, a little less.

Mr. BOBO. Do you have any information or have you received any information as to the amount of postage that might have been used by the companies which the Alberts operated?

Mr. STAPENHORST. In September 1954, Mrs. V. E. Standard had \$4,000 worth of postage placed in the postage meter used by her. In October, \$6,000; in November, \$2,000; and in December, \$7,000. All these settings are after the August 1954 court decision which released the mail to the Male Merchandise Mart.

In February, \$4,000 was spent; in March, \$3,500; in April, \$2,000; and in May, \$1,500.

Chairman KEFAUVER. Are they still operating?

Mr. STAPENHORST. They are still operating.

Chairman KEFAUVER. You described Tina's Torture. Here are some of the pictures from it. Is that what you were talking about, Mr. Stapenhorst?

Mr. STAPENHORST. Yes. Those are the serial described in the advertising of Male Merchandise Mart.

Chairman KEFAUVER. Whipping, torture, beatings, is that correct?

Mr. STAPENHORST. Stretching.

Chairman KEFAUVER. Now, you say Mr. Alberts has a criminal record?

Mr. STAPENHORST. Yes. David S. Alberts was arrested on November 14, 1949, by Los Angeles police officers, and in June 1950, he was found to be guilty as charged, violations of the State law. He was sentenced to 180 days in jail on condition that he serve 60 of them. He was placed on probation for 3 years and fined \$500.

In February 1951, upon presenting proper evidence before a judge and with the support of his probation officer, that he was not in any improper business, the State of California probation was lifted.

Chairman KEFAUVER. Well, he was in business at that time, wasn't he?

Mr. STAPENHORST. It is my own observation and opinion that Alberts was at that time laying low. The only operation with which I am familiar was a business operated by himself and his wife which involved the sale of novelties, none of which an ordinary person would consider obscene.

Chairman KEFAUVER. How many other operators like that are there around here?

Mr. STAPENHORST. There may be 20, there may be 100. It would be hard to guess.

Chairman KEFAUVER. Somewhere between 20 and 100?

Mr. STAPENHORST. Somewhere between 20 and 100.

Chairman KEFAUVER. All about the same type of business?

Mr. STAPENHORST. All about the same type. I do believe that at the present time the business of V. E. Stanard and David S. Alberts may be the greatest in the southern California area.

Chairman KEFAUVER. Alberts has just been convicted again, hasn't he?

Mr. STAPENHORST. That is correct. He was arrested late in February or early in March 1955, at his place of business, as was his wife, Mrs. Violet Evelyn Alberts; and before a judge in the municipal court for the Beverly Hills judicial district he was found guilty of violating two counts of the State law regarding possessing and advertising ob-

scene matter on June 10. He is to come up for sentence on the 24th of June, according to the information I have.

Chairman KEFAUVER. Mr. Stapenhorst, I am interested in this Ross case, where the man pled guilty and then changed his plea and the Government didn't have time to present its case. Is it not true that Mr. Morris Lavine was his attorney at the time he pled guilty?

Mr. STAPENHORST. I do not recall the name of Louis Tager's attorney.

Chairman KEFAUVER. I mean Mr. Tager's attorney.

Mr. STAPENHORST. At the time he pled guilty, Louis Tager's.

Chairman KEFAUVER. Well, anyway, his attorney saw the films and what not, and after seeing them advised his client to plead guilty, which he did.

Mr. STAPENHORST. I believe that is obvious.

Chairman KEFAUVER. And then when the other man was let off, when Ross was let off, he discharged his attorney and changed his mind and got another attorney and pled not guilty, and the judge threw the case out. Is that correct?

Mr. STAPENHORST. That is correct, I believe.

Chairman KEFAUVER. Do you know the names of either of the attorneys?

Mr. STAPENHORST. The attorney for Roy J. Ross was Mr. Burke Mathes.

Chairman KEFAUVER. And who was Mr. Tager's attorney?

Mr. STAPENHORST. I can't recall at the moment who was Mr. Tager's attorney on that March 29, 1954, date.

Chairman KEFAUVER. Your testimony has been very useful, sir, and we think from you we have gotten the fullest possible picture of what is going on in this section of the United States. Our staff has estimated that this general type of business has grossed from \$300 million to \$350 million a year in the country. When that figure was stated and released, there was a lot of discounting of it. It was hard for me to believe that a business of this kind could be so extensive, but what you have shown here indicates that that may have been a conservative estimate of the gross business in the Nation.

What would you think about it?

Mr. STAPENHORST. Well, I operate in one of the largest centers for the distribution of pornographic material, indecent, obscene moving pictures, films, cartoon books, and so forth. I do not have too much familiarity with the volume of business in and around New York City, Chicago, Detroit, St. Louis, San Francisco; other metropolitan centers; but I feel that the extent of the business is something which the people who are in it are anxious to hide because of the fact that knowing how lucrative the business is, others will be tempted to get into it, and the more competitors the less business there may be for all.

Chairman KEFAUVER. Well, we appreciate your cooperation very much with our committee, Mr. Stapenhorst.

Mr. STAPENHORST. If I may, Senator—

Chairman KEFAUVER. Do you have anything else you would like to tell us about?

Mr. STAPENHORST. Yes. I would like to read 2 of 3 typical complaints out of about 120 which were received by me in the 3-week period.

Chairman KEFAUVER. Yes; I wish you would read them.

Mr. STAPENHORST. May I retain these?

Chairman KEFAUVER. Yes.

Mr. STAPENHORST. Or may they become exhibits? I would rather retain them and not reveal the identity of the complainants and addressees.

Chairman KEFAUVER. Very well. You can retain them, but read the substance of them.

Mr. STAPENHORST. Attached for what action deemed advisable is a letter dated January 26, 1955, addressed to Mr. Jim Brennan, Columbus City, Ind., bearing the return address of Male Merchandise Mart. It was turned over to the inspector's office by local United States attorneys who stated that the addressee is a juvenile and the letter had been received from a juvenile's father.

May I have the name of the addressee stricken from the record?

Chairman KEFAUVER. Yes. The names of the people who sent in the complaints, do not read.

Mr. STAPENHORST. This is addressed to the Post Office Inspector in charge of Philadelphia, Pa., by the Postmaster at Flemington, N. J.

The enclosed literature considered obscene was turned over to this office by the county detective, Hunterdon County, Flemington, N. J. Addressee is a young boy, and his mother delivered the literature to the authorities for investigation.

This is also to the inspector in charge at Philadelphia from the Postmaster at Newfield. The mother of the addressee has asked the Post Office Department to check into the enclosed mail that was sent to her son, who was only 15 years of age. She contends that it is indecent and that it was not solicited by her son.

This is a letter from the postmaster in New Jersey. A doctor in Westfield, N. J., requested that I send the enclosed letter to you for investigation. The letter was addressed to and opened by his 12-year-old daughter, who claims she did not send for the information.

These are a few of the reasons post office inspectors are so zealous in attempting to keep this pornography from the hands of the juveniles.

Chairman KEFAUVER. Are those typical of letters about teenagers or from their parents that you have gotten all over the United States?

Mr. STAPENHORST. Those are typical of the scores and hundreds of complaints which inspectors all over the United States received. I might mention that—

Chairman KEFAUVER. And the police here in Los Angeles received the same complaints, too?

Mr. STAPENHORST. The police in Los Angeles and the sheriff and the Los Angeles County district attorney receive the same type of complaints. Sometimes in some numbers.

Chairman KEFAUVER. And there is really no effort in this industry, or whatever you call it, to—they want to get orders from anybody, whether they are kids or whether than are grownups?

Mr. STAPENHORST. That is my impression.

Chairman KEFAUVER. It seems to be well founded.

All right, sir. You go on, Mr. Stapenhorst.

Mr. STAPENHORST. I might mention that after quite an extensive investigation by other inspectors and myself, reports were submitted to the United States attorney in Los Angeles in February, May, July, and December 1949, with evidence concerning the use of the mails by

David S. Alberts, who is the husband of the woman who operates Male Merchandise Mart. After—the United States attorney frankly wished to wait until the conclusion of the State action against David S. Alberts, and that was concluded in June 1950.

So in October 1950, a Federal grand jury had no hesitation about indicting him for mailing obscene matter or information telling where, how, and from whom it might be obtained, seven counts.

In December 1950, David S. Alberts pleaded guilty to two counts and he was fined \$100 on each count in the Los Angeles Federal court.

Chairman KEFAUVER. \$100?

Mr. STAPENHORST. \$100 on each count.

Chairman KEFAUVER. That is liable to put him out of business, isn't it?

So, so often they just pay their little fines as operating costs as a license to do business?

Mr. STAPENHORST. That is correct.

Chairman KEFAUVER. And go right on?

Mr. STAPENHORST. And in many instances a very inexpensive license.

I would like to introduce into the record as an exhibit a page from the Postal Bulletin of March 17, 1955, which contains in the right-hand column a three-paragraph notice to postmasters about Postmaster General Arthur E. Summerfield's clean-up-the-mail campaign.

Chairman KEFAUVER. We are glad to receive that as an exhibit.

(The bulletin referred to was marked "Exhibit No. 39," and is as follows:)

EXHIBIT No. 39

[From the Postal Bulletin, March 17, 1955]

"CLEAN-UP-THE-MAILS" CAMPAIGN

On March 17, 1955, Postmaster General Arthur E. Summerfield stated in press release No. 63 that "A growing volume of unwanted lewd and obscene matter is being sent through the mails into American homes, and the Post Office Department is intensifying its 'Clean-Up-the-Mails' efforts to stop this offense against common decency."

Mr. Summerfield further announced "Citizens who wish to help the Post Office Department in its 'Clean-Up-the-Mails' campaign can do so by delivering, to their local postmaster, any material received through the mails which they consider obscene."

Postmasters are instructed to forward such material to the post office inspector in charge of the division in which the office of mailing is located.

Chairman KEFAUVER. Anything else, Mr. Stapenhorst?

Mr. STAPENHORST. That is all, I believe.

Chairman KEFAUVER. Thank you very much, sir.

Well, we have some other witnesses here we are not going to get to hear today, but we do want to hear some others. I think at this time, though, we will have to take a break for a short lunch. Suppose we recess now and try to get started again at 15 minutes after 2.

We will stand in recess until 15 minutes after 2.

(Whereupon, at 1:10 p. m., a recess was taken until 2:15 p. m. of the same day.)

AFTERNOON SESSION

(Whereupon the hearing was resumed at 2:15 p. m.)

Chairman KEFAUVER. The subcommittee will come to order.

Who will be our next witness, Mr. Bobo?

Mr. BOBO. Mr. David S. Alberts.

Mrs. V. E. ALBERTS. Mr. Alberts will be here in just one moment. He is on his way.

Chairman KEFAUVER. Who are you?

Mrs. ALBERTS. Mrs. Alberts.

Chairman KEFAUVER. You are Mrs. Alberts?

Mrs. ALBERTS. Yes.

Chairman KEFAUVER. All right. He will be here shortly?

Mrs. ALBERTS. Yes.

Chairman KEFAUVER. Mr. Barnes. Will Mr. Barnes come around?

How are you, Mr. Barnes? We are glad to see you.

All right, Mr. Bobo.

TESTIMONY OF PHILLIP I. BARNES, POLICE OFFICER, CITY OF LOS ANGELES, ATTACHED TO THE ADMINISTRATIVE VICE DIVISION, PORNOGRAPHIC DETAIL

Mr. BOBO. Mr. Barnes, would you state your name, your address, and your position for the record, please?

Mr. BARNES. My name is Phillip I. Barnes. My business address is 1337 Georgia Street. I am a police officer for the city of Los Angeles, attached to the administrative vice division, the pornographic detail.

Mr. BOBO. How long have you been connected with the pornographic detail?

Mr. BARNES. For the past 18 months.

Mr. BOBO. Would you speak up just a little louder. Pull the microphone closer to you.

Mr. BARNES. For the past 18 months.

Mr. BOBO. Attached to the pornographic detail of the police department, it is your duty to investigate cases involving the sale of pornographic literature within the city of Los Angeles?

Mr. BARNES. That is true.

Mr. BOBO. Mr. Barnes, in your capacity as a policeman and in dealing with pornographic literature, have you ever discovered that pornographic literature gets into the hands of those of juvenile age?

Mr. BARNES. I have.

Mr. BOBO. What type of pornographic literature have you found prevalent?

Mr. BARNES. Pornographic literature of all forms; written, photographic, statues, and so forth.

Mr. BOBO. What are the ages of some of the children that you have found pornographic literature in the possession of?

Mr. BARNES. The youngest that I recall was 10 years old.

Mr. BOBO. Ten years old?

Mr. BARNES. Yes sir.

Mr. BOBO. In the investigation of cases involving pornographic literature, what is the type that is most prevalent in the hands of those of juvenile age?

Mr. BARNES. I would say the most prevalent would be the type known to us, or in the language of the people who deal in it, as the Tijuana Bible, which is a small booklet about 2 by 3 inches, of a cartoon type, that is very lewd and very obscene in its character.

Mr. BOBO. It shows all types of sexual perversions?

Mr. BARNES. Yes; it does.

Mr. BOBO. Have you ever developed any cases involving juveniles where lewd photographic film, movie film, was involved?

Mr. BARNES. Yes; I have.

Mr. BOBO. Would you tell us somewhat of the extent of the traffic in pornographic film, as well as stills and booklets?

Mr. BARNES. It would be better for me to describe first what I term as true pornography. There are basically two types of pornography we find here in Los Angeles. One, the true pornography which is of a very lewd and obscene type that it is easily discernible and without question lewd. The second is the gray matter that falls into the category of that which was just brought before the committee at the morning session.

In Los Angeles in the past 18 months, through the investigations that have been conducted by myself and the officers with my squad, the true pornography type has not been prevalent to the point where it is a problem. To that end, I mean that it is not readily sold on the streets or in bookstores and so on, as might be alleged.

However, the pornographic material such as was described earlier this morning is prevalent. That is a problem to us. It is a problem to us to this extent: Each and every case that is brought to our attention in the form of complaint is carefully analyzed and investigated. The results of this investigation are presented to the office of the city attorney or the office of the district attorney for the application of a complaint or for the application of obtaining a search warrant. If such complaint is forthcoming or if such warrant is forthcoming, then the actions that follow are quite clear. We make the arrest and present the same facts to the court. If the complaint is refused, we are stopped at its onset. Many times we have been refused complaints for this type of literature, particularly in obtaining search warrants, because it was felt by the courts and by the office of the city attorney that it is an interpretive fact; that if you believe what you are reading in the brochure, then you believe that there is pornographic literature awaiting you at the other end; that if you believe that the literature in the brochure is not true, then you will find that which would be construed legal at the other end. So therefore we have been very unsuccessful in prosecuting complaints of this nature.

The type of pornographic material of the true pornographic type, there has never been any problem whatsoever in prosecuting and getting convictions. The courts have been lenient in the type of sentences or fines that are dealt to the defendants in these cases.

Mr. BOBO. What is the usual fine in a case involving true pornographic literature?

Mr. BARNES. I would say that the average is a suspended jail sentence and a fine of roughly \$150.

Mr. BOBO. Have you ever known of any pornographic film or pornographic pictures or pornographic books displaying pictures displaying those of juvenile ages in the poses for pornographic literature?

Mr. BARNES. Yes; I have, sir. We had one such case fairly recently involving a husband and wife, a man in Hollywood who was titled a producer of motion pictures and scripts for motion pictures. In this particular case there were two juveniles. One was a girl 16 and one a girl 17. All of the participants in this case were prosecuted, with the exception of the photographer, who was in residence in

Hawaii. We did obtain a warrant for her arrest, and that warrant was presented to the Honolulu Police Department in certified form, but extradition was not granted and the person is not prosecuted as of this date.

Mr. BOBO. Were these movie films you are talking about or still photos?

Mr. BARNES. These were 3-D still photos, color.

Mr. BOBO. They showed the persons in indecent acts?

Mr. BARNES. Acts of sexual perversion between men and women, women and women, and men and men.

Chairman KEFAUVER. Well, were some of them convicted?

Mr. BARNES. They were all convicted.

Chairman KEFAUVER. Since they have been convicted, give us their names and addresses.

Mr. BARNES. Mr. Paul George Horner, 5253 Fountain Avenue. I note that that address might be incorrect. It might be 6253 instead of 52.

Mr. Jack Richard Massey, 125 West Acacia Street, Glendale.

Mrs. Mildred Frances Massey, of the same address.

The warrant was obtained for a Mrs. Frederick Rackel, of Honolulu, T. H.

Each of the people mentioned was specifically charged with acts of sexual perversion, citing 3 counts in the case of Mr. Horner, 1 count in the case of Jack Massey, 3 counts in the case of Mildred Massey, and 5 counts in the case of Mrs. Frederick Rackel.

Chairman KEFAUVER. Is it true that these particular pictures have shown up all over the country and very widely?

Mr. BARNES. We have received reports that these same pictures or duplicates of these pictures have been received as far away as India, in Europe, in Cuba, and various parts of the United States.

Chairman KEFAUVER. So they get one picture; of course, they make millions of duplicates.

Mr. BARNES. Yes, sir; they can.

Chairman KEFAUVER. Go ahead.

Mr. BOBO. Did you discover anything among these people as to their distribution process for mailing out these slides?

Mr. BARNES. Mr. Horner explained to me that he was the president of an association whose interest, prime interest, was the furtherance of 3-D photography, and that he corresponded with these members who were located throughout the world; and that quite often they would exchange examples of their work. He did not and would not qualify the examples as being pornographic.

Mr. BOBO. Did he give you the name of the association?

Mr. BARNES. He might have, but I do not know; I do not have that with me.

Mr. BOBO. You do not have that?

Mr. BARNES. No, sir; I do not.

Mr. BOBO. Have you worked on any other case involving the taking of pornographic photos or pornographic film, its development and distribution in the Los Angeles area?

Mr. BARNES. Yes; I have.

A case of Mr. Richard Bush, of 422 Lincoln Boulevard, Santa Monica. Mr. Bush was arrested first for the sale of lewd film. We made the arrest after purchasing five reels of pornographic film, in-

cluding one which is entitled "The Nun, or Something Old, Something New." The investigation continued in the way of searching the premises of Mr. Bush, which divulged numerous photographs of a very pornographic nature, including that of the man himself and a 16-year-old girl engaging in an act of sexual perversion.

Based upon this photograph we secured a complaint against Mr. Bush for violation of the State statute prohibiting sexual oral coitus, and prosecuted him for that charge. He was found guilty.

Mr. BOBO. Do you have another case that you can bring to our attention, Mr. Barnes?

Mr. BARNES. As to amounts of property confiscated in the way of pornographic material, probably the most outstanding one was made by myself and officers of the administrative vice division, along with the officers from Huntington Park Police Department. This involved the arrest of a man by the name of Joseph Winter, a woman by the name of Beatrice Burke. Their address at that time was 1301 Club View Drive, Los Angeles. At the time of their arrest we confiscated approximately \$50,000 worth of lewd material, both photographic and written.

Mr. BOBO. From the people did you determine where they might have secured this material?

Mr. BARNES. Mr. Winter, following his conviction, was advised by his attorney to divulge to me the source of his material. Mr. Winter stated that he was making the delivery from the Star Book Shop in San Francisco and that he had been apprehended while in transit. He said that the material that he had received from Star Book Shop was only a very, very small portion of that which the operator of that shop had at his disposal.

Upon examining the contents of this material, we found that it originated from all over the country, with particular attention to New York, Philadelphia, and Los Angeles. From New York there was an exceedingly large amount of material supplied by Irving S. Klaw, whom I understand this committee has met.

Chairman KEFAUVER. Mr. Klaw calls himself the "Pinup King," and we are recommending that he be held in contempt of the Senate for not testifying in New York.

Mr. BARNES. Your action is commendable.

Mr. Klaw has been known to the members of this police department for a good number of years as a major distributor of the flagellation type of pornography.

Also in the same material that was confiscated was material that came from Mr. Edward Mishkin of New York City, whom I also understand you have talked to.

Chairman KEFAUVER. That is M-i-s-h-k-i-n?

Mr. BARNES. Yes. As this is the largest single confiscation that we have made, it was important to us to try to determine the origin of this production, rather than its distribution; and the areas that were found to be producing and distributing locally were taken into the investigation and appropriate action taken to the removal of that source. Part of that is still currently under investigation.

I would like to make a statement relative to the conditions of pornography in Los Angeles.

Chairman KEFAUVER. Before you do that, may I ask a question?

Mr. BARNES. Yes, sir.

Chairman KEFAUVER. You are a fine police officer, and I want to compliment you upon all you are doing under difficult laws and difficult situations; but in these cases of Mishkin and Klaw, for instance—this is a San Francisco case—Do you exchange memos about these people, that is, with the New York police force, with the San Francisco police force?

Mr. BARNES. Immediately after your departure from New York City I was given a letter of request from the New York City Police Department to investigate certain persons who were corresponding with Mr. Mishkin.

Chairman KEFAUVER. You mean that is after our hearing there about 3 weeks ago?

Mr. BARNES. Yes, sir. Prior to that date and since the time I have been assigned to this detail, I had not received communications from the New York City Police Department. I have received numerous communications from other law-enforcement agencies, and particularly in the Los Angeles County area; all of the agencies represented here who have requested information or requested that we conduct investigations, the office of the postal department, sheriff's office, district attorney's office. We constantly are getting together and comparing our notes and making mutual investigations in an attempt to stop the distribution of this material.

Chairman KEFAUVER. Mr. Barnes, this is aside from the subject slightly, but since our crime committee investigation of 4 or 5 years ago, I have been plugging very hard for some kind of a national agency, under at least the jurisdiction of the Federal Government, to act as an information exchange group and coordinating group and information group for police authorities, prosecuting attorneys, all around the country; so that when something shows up here in Los Angeles that affects New York or Chicago, they would have information about it. Doesn't this case rather prove that something like that is very badly needed?

Mr. BARNES. Before I answer you, Senator, I wonder if I might clarify my expressions. Any statement that I might give to you in the way of an opinion or observation is that of my own. I do not speak for the police department. I am not in a position to do that.

Chairman KEFAUVER. We understand that entirely. I was only asking your personal opinion.

Mr. BARNES. My personal opinion is that we need very much a central intelligence agency for the purpose of disseminating this information back and forth from one law-enforcement agency to another. I think there is a certain element of distrust that exists between law-enforcement agencies. Through this effort it might be a step in the right direction to abolish this distrust and create a better understanding, and results would therefore be better if such an agency was created.

Chairman KEFAUVER. I don't mean to underestimate the tremendous importance of the Federal Bureau of Investigation, but it has charge of enforcement of Federal laws and they do have the police records of people; but situations, conditions like you have found here, where in many cases there may not be any police records, the detailed information about this pornography operation here would not be available through the FBI or any other source of information that I know of.

MR. BARNES. That is true. That is true.

CHAIRMAN KEFAUVER. Thank you, sir.

MR. BARNES. I was requested to bring to the hearing a report relative to an arrest that we made in the city of Culver City. There has been no mention, as I understand, of recordings. This is the only arrest that I have made myself where I have personal knowledge of recordings being produced and distributed that were of a pornographic nature. This involved the arrest of one Erwin Beard. Mr. Beard was residing at 12230 1/2 Washington Place, Culver City. We received information that Mr. Beard was engaged in the sale of pornographic recordings.

Upon learning of his address in Culver City, we contacted the Culver City Police Department and told them we had made contact with Mr. Beard under the guise that we were to purchase these records, and they recommended that we go ahead with our investigation and arrest, and then bring them before the Culver City Police Department for booking.

I purchased four records from Mr. Beard, all of which were of a very pornographic nature.

After the arrest had been effected, Mr. Beard surrendered the remaining part of his material, which was approximately 375 records and the two master disks from which they are made. In the interrogation of Mr. Beard following his arrest, he told me that he, in company with another gentleman, had created this business, had cut the original disks and were engaging in producing them until 3 years ago, when his partner was arrested and convicted; and that he immediately took his master disks and the remainder of his stock and put them in hiding until very recently. In fact, 2 weeks prior to the date of our arrest. He again attempted to make sales, and that the confiscation we made at this time completely obliterated his business.

MR. BOBO. What was the value placed upon the records, Mr. Barnes?

MR. BARNES. Mr. Beard was selling these for \$20 for 2 disks and—\$20 for 2 disks, and then he added 2 other disks as an incentive for further purchase.

MR. BOBO. You speak of these as being pornographic records?

MR. BARNES. Yes, sir.

MR. BOBO. What kind of material is on the record?

MR. BARNES. One was entitled "Mr. Big Dick." Without becoming embarrassing, I can say that it was completely pornographic in the way of its wording, the noise, sound effects that were used, the expressions that were used. It told of the sexual intercourse of a Mr. Big Dick and two daughters of a prostitute. It was of a type that we described as truly pornographic. There would be no question as to whether it was or it was not.

MR. BOBO. There was no question as to the obscenity?

MR. BARNES. No, sir; there was absolutely none.

About the largest global producer that we have taken in the way of still photographs was Mr. Kai Mortensen, Box 13, Newbury Park, Ventura County. Mr. Mortensen was engaged in producing 4 by 5 pornographic—of the true pornographic type photographs and distributing them throughout the United States, including Mr. Mishkin and Mr. Klaw, as I spoke of before. They were two of his clients. We confiscated about 5,000 photographs and negatives from Mr.

Mortensen at the time of his arrest. We prosecuted him here and convicted him of the sale and keeping for sale of this material. He was then prosecuted again in Ventura County for the same charge and convicted. His entire material was confiscated and ordered destroyed by the court.

At the time of his arrest we also took the list of names and addresses that he had of his clients.

Mr. BOBO. What was the sentence that Mr. Mortensen received?

Mr. BARNES. I cannot accurately say. It was not a jail sentence. It was a fine and a suspended sentence.

Mr. BOBO. Did you discover in your investigation how orders would be shipped to Mr. Mishkin or Mr. Klaw in New York City?

Mr. BARNES. Mr. Mortensen was associated with a man in Simi, Calif., and through this association he was able to distribute the mail from Simi, Calif., to the agents outside of the California area. As far as those in the Los Angeles area and immediate local area, he would deliver those in person. Those would include Mr. E. A. Smith, the operator of a book store on Main Street here in Los Angeles, who also has been arrested by us and convicted on two separate occasions, which included the photographs that were produced by Mr. Mortensen.

Mr. BOBO. Is it your understanding that they were sent by mail to Mr. Klaw and Mr. Mishkin in New York from the men in Simi, Calif.?

Mr. BARNES. That is the information given to us by Mr. Mortensen. As to the accuracy of it, I do not know.

That information was conveyed to both the office of the FBI and to the postal authorities locally.

Mr. BOBO. Did he——

Mr. BARNES. Pardon me.

Mr. BOBO. Did he give you the name of the man in Simi, Calif., which whom he was associated?

Mr. BARNES. Without referring to my notes, no, sir. At this time I don't think so. I think I would recognize the name if I heard it.

Mr. BOBO. Was the name——

Mr. BARNES. Yes, the name was Kish.

Mr. BOBO. K-i-s-h, Mr. Kish?

Mr. BARNES. Yes.

Mr. BOBO. In Simi, Calif. Do you know his first name?

Mr. BARNES. No, sir. Again, without referring to the notes that I made at the time of the arrest and investigation, I could not say his first name. I do recall going there to the location at Simi to ascertain whether or not this man was still residing there, with officers from the Ventura County sheriff's office, and we found that Mr. Kish was still residing there and we obtained the license numbers of the cars that were present at that time.

Mr. BOBO. Would the name of Ed Kish—would that refresh your recollection?

Mr. BARNES. That sounds correct, sir.

Mr. BOBO. Mr. Ed Kish?

Mr. BARNES. Yes.

Mr. BOBO. Of Simi, Calif.?

Mr. BARNES. Yes, sir.

Chairman KEFAUVER. Mr. Barnes, did this customer list indicate nationwide distribution?

Mr. BARNES. Yes, sir; it definitely did. It included most of the States.

Chairman KEFAUVER. Some foreign countries?

Mr. BARNES. As I recall, there were no foreign countries listed.

Locally we have another problem that is coming to our attention constantly. That is the so-called model studios and model agencies that we have, whereby an amateur photographer might rent the premises for the purpose of photographing nude females. Any person, regardless of their background photographically speaking, may do so.

Chairman KEFAUVER. You mean without a license?

Mr. BARNES. Yes, sir; they may. They pay a fee of anywhere from \$2 to \$10 an hour for the privilege of photographing such a person.

From these studios we have had numerous complaints and proof of illegal photographs or pornographic photographs being made and disseminated; but in each and every case where we can establish the time for the element of prosecution, we do prosecute. However, the control of the studio itself is still outside of the scope of the police department.

When I was given the assignment to make this investigation of these studios, I was told to submit recommendations as to municipal legislation for their control; and on the 26th of May, this year, I submitted to the police department a detailed recommendation as to the control of the legislation. This recommendation has not been approved as of this date. We believe that it will be approved; possibly not in its present form, but in a form like the one that we have recommended. That would be to place all of the model studios under license by the Police Commission and by the city of Los Angeles; that each and every model who poses in the nude for photographs will be registered with the police department; that each and every model agent and studio manager, owner, operator, will likewise be required to be registered with the police department; and that one of the prime requisites of this registration be that the man not be convicted or have any conviction of a felony or any crime against public morals.

Further, described in there are the types of photographs that will be permitted. Those are fairly interpretive as far as true type is concerned, to remove any element of possible interpretation of being anything other than pornographic.

It is also recommended in there that this does not infringe upon any legal and appropriate medical research or any other approach to the photographing of the nude form without due cause and due reason.

Mr. BOBO. May we have a copy of your recommendations for an exhibit to our record?

Mr. BARNES. You may have that, sir.

Chairman KEFAUVER. That will be made an exhibit.

(The document referred to was marked "Exhibit No. 40," and is as follows:)

LOS ANGELES POLICE DEPARTMENT

EMPLOYEE'S REPORT

Subject: Recommended municipal legislation.

Name and rank: Sgt. H. R. Keever, watch commander, administrative vice.

Date and time reported: May 26, 1955, 1:30 p. m.

In answer to your assignment, this squad has conducted an investigation and research into the field of nude model photography. This investigation indi-

ated the following action is necessary and needed to properly supervise and maintain any degree of good moral standards for this activity.

1. Each studio that is rented, leased, or used for the purpose of photographing nude models should be required to be licensed by the city of Los Angeles as such. (This would not apply to private-owned studios that are used exclusively by the owner or his employee or to a studio rented or leased by an individual and his employees as a permanent photographic business location, and used exclusively by said individual or his employee.)

2. Each owner, manager, or operator of any studio; each agent or model representative of a model who is photographed in a state of nudity should be registered with the Los Angeles Police Department and obtain a police commission permit before engaging in the business of renting, leasing or loaning their studio for photographing nude models; or assigning, employing, hiring, or sending any model to any location for the purpose of being photographed in a state of nudity.

3. Every model that is to be photographed while in a state of nudity should be required to be registered with the Los Angeles Police Department and to have a police commission permit before engaging in such activity.

The foregoing recommended points are suggested due to the results of our investigations of nude model studios and are based on the conclusions drawn from this investigation and the interviews with those engaged in that business.

There are approximately eight studios in the city, as of this report, that are used exclusively for the purpose of allowing amateur photographers to photograph nude models. Some of these studios maintain inexpensive box-type cameras for the convenience of those amateurs who do not have cameras. The average charge for "group" photographers (three or more photographers, photographing the model simultaneously) is \$4 for a 2-hour period. Private photography (one photographer) is at an average of \$10 per hour. Model fees are basically \$5 per hour, but sometimes obtain as much as \$25 an hour if the photographing is done at a private location, i. e., the photographers' apartment, beach area, or mountain resort.

The reception room area of most studios is usually occupied by the owner, manager, or operator of the studio, thereby allowing the photographers to "shoot" without supervision. In most cases the owner, manager, or operator does not indicate a feeling of responsibility or concern as to what transpires in the studio proper. On occasion, we have found that the owner, manager, or operator is a sex deviate and arranges the studio sittings to accommodate his fellow deviates.

New model applicants generally fall into the category of 18- to 30-year-old females that are lacking in strong moral standards. Some are known prostitutes, some professional burlesque strippers, others are former juvenile-detention-home releases, and some just indolent females seeking income without physical or mental effort.

Upon application for work, it becomes the owner's, manager's, or operator's responsibility to "inspect" the new applicant and determine if she "qualifies." Very few are refused employment. Age seems to determine the model's popularity. If she is in her upper teens, her physical attributes are usually still photographically attractive and by coincidence, usually her ability to cope with a promising line of conversation regarding future movie contracts, is not as sharp as it would be in later years.

Models we have interviewed have informed us that the studio operators have told them that big major studio producers, directors, and photographers are among the men who are "shooting" the models in his studio. Others relate that they were informed that unless they had intimate relations with the operator, they wouldn't get assigned to the high-paying private sittings.

Not always are the operators the corrupt participant. One operator related the story of a model who was charging \$1 a picture for those who wished to make a closeup of her unclothed genital area. This practice is not uncommon, because the model feels she cannot be identified by such a photograph. Other models are conducting prostitution at their apartments with the photographers following the studio sittings. We have verified this fact.

Agents and model representatives usually operate at a \$5 flat rate fee for all appointments they arrange for private sittings. We have made arrests for prostitution at such private "sittings" but were unable to prove the agent knew in advance that the sitting would result in an act of prostitution. One agent stated to our informant, "Be sure and carry a camera with you. That way you can prove you intended to take pictures and that the 'piece' you get will be the result, not the intent, then the police can't pinch you."

In the main, the photographers are not even semiprofessional. The photographs they take speak for themselves. One may show concentration on bust shots only, another will be of buttocks, and still another will concentrate on the groin area. "Sneak shots" (taken while the model is changing pose and is unaware) are very frequently taken. These photos are usually developed at home in an inexpensive developing tank and may not come to our attention for many months or until a print is circulated away from the photographer.

It is felt that it is next to impossible to control the photographer except by studio regulation and operator-model laws. If the regulation is strong enough, both the operator and the model will exercise voluntary control over the photographer.

Upon the completion of the investigation of the nude modeling business, we compiled three proposed statutes for consideration and a set of recommended rules to be followed for each police commission permit holder. We then interviewed all known studio operators and agents as well as numerous models regarding this proposition. It was the general opinion that such control is needed and the recommended rules were both reasonable and appropriate.

We, therefore, submit to you for consideration and approval the following recommended statutes and police commission rules for the operation of the nude photographic modeling business.

It is further suggested that the administrative vice division maintain the records and files of all applicants for police department permits and that the police commission endorse eligible applicants.

PROPOSED ORDINANCES

Nude modeling

1. Every studio, agency, or model representative that employs the services of any model to be photographed in a state of nudity by one or more photographers other than the licensed owner, manager, operator, or agent, shall be required to be licensed by the city of Los Angeles and to obtain a permit from the police commission. Any studio, agency, or model's representative that employs the services, or rents said services to any other person without being licensed and operating under a police commission permit, shall be guilty of a misdemeanor.

(a) "State of nudity" is that state that exposes the human form without covering to the genital area and/or the female breasts.

2. Any person who owns, operates, maintains, or controls any studio, agency or model's representative organization that employs the services of any model to be photographed in a state of nudity shall be required to be registered with the police commission before engaging in said business. Any person who owns, operates, maintains or controls any studio, agency, or model's representative organization that employs the services of any model to be photographed in a state of nudity without being first registered with the police commission is guilty of a misdemeanor.

3. Any person who engaged in the act of modeling or posing as a photographic subject while in a state of nudity shall be required to be registered with the police commission before engaging in said act. Any person who engages in such act of modeling or posing as a photographic subject while in a state of nudity and is not registered with the police commission is guilty of a misdemeanor. (This section does not apply to bona fide medical research.)

POLICE COMMISSION REGULATIONS

Nude modeling

1. Every studio, agency, or model's representative must operate under police department permit issued by the police commission, while engaging in the employment of services of any model who poses or models as a photographic subject while in a state of nudity.

(a) This permit will be displayed in a conspicuous manner so as to be visible from the reception room area of said business.

2. Every person who owns, operates, maintains, or controls any studio, agency, or model's representative organization that employs the services of any model to be photographed in a state of nudity shall be required to be registered with the police department and the registration card issued shall be displayed upon request by any police officer, by the person to whom it is issued.

(a) This registration card is not transferable and must be immediately accessible to the applicant, while engaged in the operation of his business.

3. Every person who engages in the act of modeling or posing as a photographic subject while in a state of nudity is required to be registered with the police

department and must display the registration card issued at the request of any police officer while said model is so employed.

(a) This registration card is not transferable and must be immediately accessible to the applicant while engaged in the act of modeling or posing in a state of nudity.

4. It shall be the responsibility of each owner, manager, or operator of a photographic studio as described in this section to maintain a photographer's registration book within the studio and that each photographer be compelled to sign his true name and correct address under the present date before engaging in photographing a model who is posing in a state of nudity. Model's name will also be placed by photographer's signature to denote model used.

5. It shall be the responsibility of each owner, manager, or operator of a photographic studio as described in this section to prohibit the consumption of any alcoholic beverages by models, photographers or other parties present during the course of business of photographing models in a state of nudity.

6. It shall be the responsibility of each owner, manager, or operator of a photographic studio as described in this section to maintain supervision over the conduct of models in their employ and to maintain professional standards in the issuance of directions to said models.

7. The following rules shall be followed in the photographing of any model in a state of nudity:

(a) No photographs shall be made which exposes the genitals or pubic hair of the model.

(b) No photographs shall be made which depicts any lewd or suggestive act or motion.

(c) No model shall be photographed while touching her breasts or genitals with her hand.

(d) No photographs shall be made which includes a man and a woman while either is in a state of nudity.

(e) Where two or more models of the same sex are used in the same photograph, there shall be no touching of the bodies between models.

(f) In any case where motion-picture photography is used, the model must wear a permanent nontransparent covering over the genitals and crease of the buttocks. The nipples of the breasts that have different pigmentation than the body of the breast must also be covered with like material.

(g) No photographer shall be allowed to make physical contact with the model while the model is engaged in posing or modeling.

(h) Upon completion of modeling and during recesses between modeling assignments, the model will retire to an enclosed dressing room or become clothed.

(i) Profanity and obscenity will not be permitted at any time during the conducting of photographic modeling.

(j) It shall be the responsibility of every owner, manager, operator, and model to report violations of this section to the police department immediately.

(k) There will be no photographs made in any order that may be assembled in sequence form depicting the dressing or undressing of a model.

(l) There will be no photographs made of a model in the process of removal of the undergarments such as brassiere or panties.

8. Each applicant for a police commission permit as owner, manager, operator, or model will be required to be photographed by the police department before engaging in business. Permits will not be issued to any person who has been found guilty of any felony or any crime involving public morals.

9. It is not legal for any person, below the age of 18 years, to be photographed in the state of nudity. Model applicants will be required to present positive proof of age before permit will be granted.

10. No person under the age of 18 years will be allowed to be present on the premises while models are posing in a state of nudity.

11. A complete copy of the foregoing rules and regulations shall be posted in a conspicuous location within the studio for the benefit of all concerned parties.

12. Each change of address by an owner, manager, agent, or operator, or model shall be reported by mail to the police department, within 5 days and suitable notations will be made on the applicant's registration card.

13. All outdoor photography of nude models within the city of Los Angeles will be conducted in such a way to eliminate all possibilities of observation by any party or parties to be offended. (See sec. 311.1 P. C.)

Respectfully submitted.

P. I. BARNES, No. 5454.

R. O. COLLINS, No. 6885.

R. E. ANDERSON, No. 5306.

Mr. BOBO. Mr. Barnes, have you had any occasion to investigate any pornographic cases wherein the use of male models might be used?

Mr. BARNES. Yes, sir; we have. We had such a case recently involving a Mr. Lyle Frisby, whose business address was 1438 Naud Street, Los Angeles. On the 16th of May 1954, by virtue of a warrant, we arrested Mr. Frisby and another gentleman, who is in the audience at the present time, a Mr. Robert Mizer. Mr. Mizer was distributing a magazine known as Physique Pictorial, which is a magazine containing photographs of male models of the muscle-men type. Included in this magazine were photographs under ads of male models. One of these ads was under the name Lyle of Hollywood. It showed a photograph of a man in a seated position, who appeared to be wearing a jock strap over the pubic area. We went to Mr. Frisby at the address he had advertised in this magazine and purchased the same photograph from Mr. Frisby, and the photograph was without any adornment in the area of the pubic region. It was a complete nude; the genitals were showing. Based on this purchase we made the arrest of Mr. Frisby and of Mr. Mizer. Both Mr. Frisby and Mr. Mizer were convicted in court. However, Mr. Mizer filed a notice of appeal through his attorney, and the case was reversed, following his sentence of 90 days in jail. The case was reversed and Mr. Mizer was released from that conviction under the appellate decision, that in the manner in which he sold the photograph he was not guilty.

Mr. Frisby was convicted and all his material confiscated and destroyed.

Mr. BOBO. What was the size of the amount of the material that you confiscated and destroyed, the quantity?

Mr. BARNES. There were many thousands of photographs, and basing it on the sale value as it was told to us, they were \$2 a print, I would say close to \$10,000 in that sense, in the sense that they sell it.

Mr. BOBO. Was his distribution entirely within this area, or did he have distribution in points outside of the California area?

Mr. BARNES. Mr. Frisby indicated that he sold throughout the United States and that he did have the sanction of the postal department for selling such material.

Chairman KEFAUVER. Now, that is just what he said about it?

Mr. BARNES. That is just what he said about it.

Chairman KEFAUVER. Well, I don't believe he had the sanction of the post office.

Mr. BARNES. I concur with your conclusions.

Mr. BOBO. Was there any evidence developed around Mr. Frisby that showed where he had sold these particular types of photographs, near schools and playground areas?

Mr. BARNES. Mr. Frisby's business location was backed up against a playground and within 300 yards was a school and school grounds. One of the charges in his complaint was keeping or, rather, possess-

ing lewd photographs within 300 yards of a school, park, or playground.

During the investigation we found one man, who is now a marine, who had posed for such photographs when he was 17 years of age. He was not available at the time of the prosecution, so therefore his case was not brought up, other than through the investigation.

Mr. BOBO. Did you receive any evidence in your investigation whether these photographs may have been sold to any of the children on the playground or at the school?

Mr. BARNES. No, sir; I did not.

Chairman KEFAUVER. Well, Mr. Barnes, you and the other officers here are good men. I have been associated with many men in the Los Angeles police force, and you have good, conscientious men. You have been making a hard try at this thing. The laws and the decisions of the courts and other things have caused you a great many handicaps, haven't they?

Mr. BARNES. Yes; they have, sir.

Chairman KEFAUVER. I hope you don't become discouraged by virtue of the difficulty you have had.

Mr. BARNES. No, sir. We sit back and wait.

Chairman KEFAUVER. As I understand your testimony, your particular hardships and recommendations are, then, you have talked about the control of the studios; that is one thing.

Mr. BARNES. Yes, sir.

Chairman KEFAUVER. The wording of the statute, the State statute, is another difficulty you have had.

Mr. BARNES. Yes.

Chairman KEFAUVER. The light sentences are another difficulty.

Mr. BARNES. Yes, sir.

Chairman KEFAUVER. The absence of exchange of information between police departments is another national difficulty.

Mr. BARNES. Yes.

Chairman KEFAUVER. And then the strengthening that needs to be done of the postal regulation is still another difficulty.

Mr. BARNES. Yes, sir.

Chairman KEFAUVER. Do you have any other suggestions as to what might be done to help you clean out this filth, be able to enforce it better?

Mr. BARNES. The problem—pardon me.

Chairman KEFAUVER. To be able to enforce the laws better.

Mr. BARNES. I think the problem that faces us now, that is probably the greatest problem, is the fact that each case must be tried on its own merits. That which we might bring in today and have a court adjudge guilty from the interpretation of the material, that same material can be sold by his next-door neighbor the following day and another arrest made, and a presentation to the second court or second jury would reverse the decision insofar as their interpretation might be; so that we are not—we do not have a standard to operate with. It becomes quite a problem to us when we make the same arrests at 10 or 12 different locations; 1 or 2 might be guilty and the balance would not, or vice versa.

Chairman KEFAUVER. And the final thing you need is better backing on the part of the people in your efforts.

Mr. BARNES. Yes, sir; definitely.

Chairman KEFAUVER. That is a big thing.

Mr. BARNES. Yes, sir.

Chairman KEFAUVER. Thank you very much, Mr. Barnes.

Mr. BARNES. Thank you.

Chairman KEFAUVER. We compliment you upon your work and we wish you continued success.

Mr. BARNES. Thank you very much, sir.

Chairman KEFAUVER. Mr. Alberts. Will Mr. Alberts come around now.

Get Mr. Fleishman a chair there.

Mr. FLEISHMAN. Thank you, sir. I have got one.

Chairman KEFAUVER. You are Mr. Alberts?

Mr. ALBERTS. I am Mr. Alberts.

Chairman KEFAUVER. Will you hold up your hand.

(Mr. Alberts was sworn.)

**TESTIMONY OF DAVID S. ALBERTS, ACCOMPANIED BY COUNSEL,
STANLEY FLEISHMAN, LOS ANGELES, CALIF.**

Mr. FLEISHMAN. Mr. Senator, at the outset——

Chairman KEFAUVER. Let Mr. Alberts sit down.

Mr. FLEISHMAN. I have three short motions that won't take 3 minutes.

Chairman KEFAUVER. Just a minute, now, sir.

Mr. FLEISHMAN. Thank you.

Chairman KEFAUVER. Now, Mr. Alberts, what is your address?

Mr. ALBERTS. Sunset Palm Apartments, Los Angeles.

Chairman KEFAUVER. Sunset Palm Apartments?

Mr. ALBERTS. Yes, sir.

Chairman KEFAUVER. And your age, sir?

Mr. ALBERTS. Thirty-three.

Chairman KEFAUVER. And your wife is back there with you?

Mr. ALBERTS. Yes, sir.

Chairman KEFAUVER. Now, sir, tell us your full name.

Mr. FLEISHMAN. Stanley Fleishman.

Chairman KEFAUVER. Now, Mr. Fleishman, what is your address?

Mr. FLEISHMAN. 1741 North Ivar.

Chairman KEFAUVER. And you are an attorney at law of the city of Los Angeles, and you are the attorney for Mr. Alberts?

Mr. FLEISHMAN. I trust that won't be held against me, Mr. Senator.

Chairman KEFAUVER. No, sir. As a counsel you have a right to take any case that is within the canons of ethics.

Mr. FLEISHMAN. Thank you, sir. As I say, I have three short motions, if I may.

Chairman KEFAUVER. Pull that a little bit closer, sir.

Mr. FLEISHMAN. They won't take 3 minutes. The first is, we believe that Mr. Alberts ought not to be required to testify here now because, as you have been told, he is up for sentence a week from yesterday, and we can't help but feel that this must be an influencing factor upon the court, which it should not be on an open court. Moreover, there is a motion for a new trial set for the same time, and we feel that the motion may be seriously adversely affected; that he would not get the fair hearing that he would get otherwise. I am sure you are familiar with the Delaney case where this problem was faced very

seriously by the court, so we feel that if the testimony is necessary, that it be put over to another time. That is our first motion.

Chairman KEFAUVER. Mr. Fleishman, let me see if I understand that sufficiently. Mr. Alberts has been convicted in the State court?

Mr. FLEISHMAN. That is true.

Chairman KEFAUVER. On a number of counts of possessing or selling—

Mr. FLEISHMAN. Well, there are two counts involved.

Chairman KEFAUVER. What are the counts?

Mr. FLEISHMAN. I was not the attorney there so that I am just familiar with it in a general sense and couldn't state it accurately. It does have to do generally with the subject that you are inquiring into today, though.

Chairman KEFAUVER. Who was the attorney in those cases?

Mr. FLEISHMAN. I believe it was Mr. Maddox of Beverly Hills—I know it was.

Chairman KEFAUVER. Anyway, those cases grow out of this matter we are discussing here; is that correct?

Mr. FLEISHMAN. It is certainly related sufficiently.

Chairman KEFAUVER. And when was Mr. Alberts convicted?

Mr. FLEISHMAN. I am not sure of the time. Within the last month, certainly.

Chairman KEFAUVER. Maybe Mr. Alberts would know.

Mr. FLEISHMAN. I wouldn't want him to answer that.

It was within the last month, sir.

Chairman KEFAUVER. Very well.

Mr. FLEISHMAN. I do believe—

Chairman KEFAUVER. I am just trying to get the date.

Mr. FLEISHMAN. Yes. The new trial is coming up on Friday, within a week, and we do feel that it has already been seriously adversely affected, and that to require him to proceed would make it even more serious. As a matter of fact, I spoke with Mr. Bobo briefly in the hope that so much wouldn't be said, because I am sure we all agree that a court case ought to be decided by the court uninfluenced by this type of proceeding, however necessary this type of proceeding may be.

Chairman KEFAUVER. Then, after the motion for a new trial is argued, if it is granted there will be a new trial; if it is not, there will either be a sentence or an appeal; is that correct?

Mr. FLEISHMAN. That is right.

Chairman KEFAUVER. What are your other motions, sir?

Mr. FLEISHMAN. The second one is on the subpoena duces tecum. We feel that it is much too broad, amounting to a fishing expedition in a large part. It calls for all records of your interest and property, real, personal, or mixed. This is not a general investigating committee. Of course, it has a purpose, and it would seem that much of the material sought is outside of the purpose. I think this perhaps calls to mind what may have happened, and I think it is unfortunate. I have a feeling that these subpoenas were signed in blank and handed over to investigators who came out here, and then completed it as they thought fit.

Chairman KEFAUVER. Mr. Fleishman, you are wrong about that. The subpoenas were signed by me.

Mr. FLEISHMAN. With the material called for in the subpoenas?

Chairman KEFAUVER. I am sure. I don't remember the particular subpoena, but my ruling—

Mr. FLEISHMAN. Well, the newspaper accounts indicated that the investigators were coming out here to determine who to investigate and how to do it.

Chairman KEFAUVER. Well, of course, we have been here for some time and we are in pretty close communication with one another.

Mr. FLEISHMAN. Well, I may be in error.

Chairman KEFAUVER. Then, anyway, suppose we read the subpoena into the record. Let it be printed in the record at this time. We have a copy of it.

(The subpoena was marked "Exhibit No. 41," and reads as follows:)

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To DAVID S. ALBERTS, *Greeting:*

Pursuant to lawful authority, you are hereby commanded to appear before the Subcommittee To Investigate Juvenile Delinquency of the Senate of the United States, on June 17, 1955, at 9 a. m., at their committee room, 518 United States Post Office and Courthouse Building, 312 North Spring Street, Los Angeles, Calif., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you copies of your Federal and State income tax returns for the years 1950 to 1954, inclusive, bankbooks, canceled checks, check stubs, statements of accounts and liabilities, profit and loss statements, and other records pertaining to your business for the years of 1950 to 1954, inclusive, and all records of your interest in property, real, personal, or mixed.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.

Given under my hand, by order of the committee, this 10th day of June, in the year of our Lord one thousand nine hundred and fifty-five.

ESTES KEFAUVER,
Chairman, Subcommittee To Investigate Juvenile Delinquency,
Committee on the Judiciary.

[Endorsement]

JUNE 13, 1955.

I made service of the within subpoena by serving in person the within-named David S. Alberts, at 8627 Melrose Avenue, Los Angeles, at 4:30 p. m., on the 13th day of June 1955.

P. I. BARNES.

Mr. FLEISHMAN. Yes, certainly.

Chairman KEFAUVER. Now, in response to the subpoena are you bringing in any records and books?

Mr. FLEISHMAN. We have brought records, but we deem it to be an unreasonable search and seizure and also violative of the fifth amendment.

Chairman KEFAUVER. Either tell us whether you are complying with the subpoena—

Mr. FLEISHMAN. Well, records have been brought, but we will not turn records over on the ground that we feel it is an unreasonable search and seizure and it is violative of the defendant's—you sound like a defendant when you come here a little bit—the witness' rights under the fifth amendment.

Chairman KEFAUVER. Then, what is your third motion, sir?

Mr. FLEISHMAN. The third motion is that we feel that this committee of one is improperly constituted. Much has been said, and cor-

rectly so, as to the impropriety of having committees of one; and I understand that there was a Senate rule pointing to the vice inherent in it and urging that there be no more such committees; so that we feel that this committee, being improperly constituted, has no power to compel any testimony.

Those are the three motions.

Chairman KEFAUVER. Well, dealing with your motions in the reverse order, I don't like committees of one, either. I have always advocated that there should be more than 1 Senator present at any meeting, but the rule of the Judiciary Committee is that if permission by the committee is given for a hearing to be held by 1 Senator, it is a legal hearing and is permitted. Such permission has previously been written into the record here.

As to the second part, your second motion, I would like to have permission for the staff to see just what records you might have brought in response to the subpoena so that we can get a description if not the details of the records, but what they are, in the record; and then we will decide that question later on as to whether the subpoena is too broad.

I think, frankly, that there is something to your suggestion or your objection that with the case pending that you are talking about, that we perhaps should not require Mr. Alberts to testify this afternoon. As much as I dislike the kind of business that has been described that he is in, I don't want to take an unfair advantage of him.

But, Mr. Fleishman, Mr. Alberts will remain under subpoena. His case will be disposed of some time or another. This committee will be back in Los Angeles some time again, and eventually Mr. Alberts will be required to tell the committee such parts of the nature of his business as pertains to our investigation.

Mr. FLEISHMAN. That is understood, of course.

Chairman KEFAUVER. Can it be understood that he will remain under subpoena, that he will appear upon notice either to you as his counsel or to him by telegram or by letter?

Mr. FLEISHMAN. Certainly. That would be agreeable.

Chairman KEFAUVER. Very well. We will excuse you at this time.

Mr. FLEISHMAN. Thank you.

May Mrs. Alberts be excused also? She was also involved in the same proceeding, and although she was——

Chairman KEFAUVER. Let's have Mrs. Alberts come around. We take people one by one as they appear.

TESTIMONY OF VIOLET EVELYN STANARD ALBERTS, LOS ANGELES, CALIF.

Chairman KEFAUVER. Now, you are Mrs. Alberts?

Mrs. ALBERTS. Yes; Violet.

Chairman KEFAUVER. What is your first name?

Mrs. ALBERTS. Violet.

Chairman KEFAUVER. What? I thought your name was Stanard.

Mrs. ALBERTS. You didn't ask me.

Chairman KEFAUVER. Ma'am?

Mrs. ALBERTS. You didn't ask me.

Chairman KEFAUVER. I thought I asked you what your name was.

Mrs. ALBERTS. You asked my first name. My whole name is Violet Evelyn Stanard Alberts.

Chairman KEFAUVER. I see. Now, you are the wife of the man who has just been here?

Mrs. ALBERTS. Yes.

Chairman KEFAUVER. Now, what is the situation relative to Mrs. Alberts. Mr. Fleishman?

Mr. FLEISHMAN. She was in the same trial and was acquitted, although we feel that the judge might just as well be influenced, perhaps, by this. The two of them were tried together in the court of the same trial.

Chairman KEFAUVER. You mean the transactions about which we would ask her you think have a direct relation to the business of her husband?

Mr. FLEISHMAN. The same thing, Your Honor. The same thing they worked together.

Chairman KEFAUVER. They were tried on the same charges?

Mr. FLEISHMAN. Yes.

Chairman KEFAUVER. But the charges were dismissed as to Mrs. Alberts?

Mr. FLEISHMAN. That is true, after trial.

Chairman KEFAUVER. After trial?

Mr. FLEISHMAN. Yes.

Chairman KEFAUVER. You mean the jury dismissed her?

Mr. FLEISHMAN. The judge.

Chairman KEFAUVER. Well, is she under indictment?

Mr. FLEISHMAN. No.

Chairman KEFAUVER. Or a charge of anything at the present time?

Mr. FLEISHMAN. No, but I think it is the same business, and again the judge, I feel, would be as likely to be influenced as to Mrs. Alberts' testimony—almost, not quite as much—as he would with Mr. Alberts.

Chairman KEFAUVER. Well, frankly, Mr. Fleishman, legally I don't think you have much ground to stand on insofar as Mrs. Alberts is concerned. I am sure the judge will decide the case, the motion for a new trial and the sentence on the evidence and the facts before him without regard to what this lady might testify; but we don't want to—we would lean over the other way rather than take a chance on prejudicing his position.

Mr. FLEISHMAN. It would be agreeable——

Chairman KEFAUVER. But I think Mrs. Alberts might very well know, and I put you on notice, that you will be required to tell about this whole business.

Mrs. ALBERTS. I will be available, as my husband will be.

Chairman KEFAUVER. Then you will remain under subpoena and we will notify you when we come here again.

Mr. FLEISHMAN. We will be agreeable to that. Thank you very much, sir.

Chairman KEFAUVER. Now, Mr. Fleishman, with Mr. George Martin here—we don't want to see the contents of what you produce, but we would like to at least have an inventory of what it is. Then you keep it in your possession, so that we can decide whether what you have brought in is responsive to the subpoena which has been made in the record. If you will go over this with Mr. Martin?

Mr. FLEISHMAN. Yes.

Chairman KEFAUVER. Lieutenant Walter J. Sullivan.
Have a seat, sir.

**STATEMENT OF LT. WALTER J. SULLIVAN, INVESTIGATOR FOR
THE DISTRICT ATTORNEY, LOS ANGELES COUNTY, CALIF.**

Chairman KEFAUVER. All right, Mr. Bobo.

Mr. BOBO. Lieutenant Sullivan, would you state to us your name, your address, and your present position?

Lieutenant SULLIVAN. Walter J. Sullivan; I reside at 4053 Farmdale Avenue, Studio City. I am an investigator working out of the office of District Attorney S. Ernest Roll.

Mr. BOBO. Mr. Sullivan, on or about March 1 of this year, 1955, did you participate in a police raid on the Alberts' establishment?

Lieutenant SULLIVAN. I think the date was, if I may refer to my notes—was on or about February 25. I am not quite sure, but I think that was the date, after—

Mr. BOBO. That was the establishment of David S. Alberts and Violet E. Stanard Alberts?

Lieutenant SULLIVAN. That is right, sir. Yes; it was on February 25, after obtaining a proper search warrant from Judge Charles Griffin of the municipal court of Beverly Hills, we proceeded to various addresses and took samples of some of the materials that the Alberts were mailing.

Mr. BOBO. Do you have a list of the addresses from which they were operating?

Lieutenant SULLIVAN. Yes. They have an office and some material at 8627 Melrose Avenue, Los Angeles; a warehouse at 8733 Santa Monica Boulevard; and officers also went to their home at that time located at 1106½ Strathmore Drive in West Los Angeles.

Mr. BOBO. Upon visiting these establishments, did you find any material of a pornographic nature, strip photos, or lewd films?

Lieutenant SULLIVAN. Yes. We found material that in our opinion was of that nature. We took samples of quite a number of the materials that they were mailing out, brought them back to the court. They were later reviewed by the district attorney's office, following which both Mr. and Mrs. Alberts were charged with four counts of violation of State law.

Mr. BOBO. Do you have with you any copies of pictures of the material which you actually seized in these raids?

Lieutenant SULLIVAN. With the consent of Judge Griffin, I have with me some of the material that we took at that time.

Mr. BOBO. In each establishment in which you visited, how many samples of the particular—

Chairman KEFAUVER. Well, let's see some of it up here.

Mr. BOBO. May we have copies of that?

Lieutenant SULLIVAN. Here is a box of stereotype pictures, consisting of pictures of nude women in color.

A bunch of pamphlets: Curious and Unusual Love Affairs, How To Be Happy Though Married, Prostitution in the United States, A Prostitute and Her Lover, Letters of the Courtesans, The Love Affairs of a Priest and a Nun, Amorous Tales of the Monks, Wild Women of Broadway, Confessions of a Minister's Daughter.

I think you gentlemen already have in your possession some of the—flagellation pictures of Tina and others of the same sort.

Mr. Bobo. These are pictures showing various types of torture between females, beatings?

Lieutenant SULLIVAN. Decks of playing cards, pictures of nude women on each and every playing card.

Mr. Bobo. These are large playing cards with lithograph full-color pictures of various women in nude poses.

Lieutenant Sullivan, on this one card here I notice an autograph on the bottom of the picture. Do you know the person, the photographer, who might have taken these pictures?

Lieutenant SULLIVAN. I do not, sir.

Mr. Bobo. A Mr. Felix Glied, Jr.

Lieutenant SULLIVAN. I know of him by name, but I am not personally acquainted with him. He is a local photographer.

I have quite a number of other things here. I don't know whether the committee would be interested in all of them or not, sir.

Mr. Bobo. In visiting these various establishments, you took just certain samples of the materials which were there?

Lieutenant SULLIVAN. That is correct, sir.

Here are a couple of bound books. One, *Witch on Wheels*; the other, *Resort to Sin*; which it is my understanding that the judge who tried them as the result of this raid thought that they were obscene.

Mr. Bobo. This *Resort to Sin* is a book by Mr. Clifford Forbes, published by the Arco Publishing Co., Inc., 420 Lexington Avenue, New York, N. Y.

The *Witch on Wheels* is a book by Bill Boltin, published by the same publishing company.

Both of those books, it is your understanding, were found to be obscene in the view of the judge in that case?

Lieutenant SULLIVAN. That is my understanding, sir.

However, I might say this, that the prosecuting attorney, Mr. James Nelson, is here present at the hearing and can better advise the committee as to the judge's findings.

That is two pictures of some of the evidence that was seized that is now under the court's jurisdiction, but in the hands of the district attorney.

Mr. Bobo. You have presented us two pictures of some of the evidence that was received. Am I to understand that in picking up this, did you pick up the entire contents of the buildings into which you raided?

Lieutenant SULLIVAN. No.

Mr. Bobo. How many samples of each particular type of literature would you confiscate?

Lieutenant SULLIVAN. I would estimate approximately six types of each piece of literature or book or picture that they had for sale out there, sir.

Mr. Bobo. In picking up six samples of each particular type of literature which they had, how was it transported back to the place of storage?

Lieutenant SULLIVAN. It was transported by truck. We reported to the judge what we had and it was then brought to the district attorney's office and placed in storage for use of the judge and the court.

Mr. BOBO. Approximately what quantity of material was seized, Mr. Sullivan?

Lieutenant SULLIVAN. I would say approximately—possibly a ton of it.

Mr. BOBO. A ton of it?

Lieutenant SULLIVAN. I would say approximately a ton.

Mr. BOBO. Did you place any approximate valuation upon the entire contents of the buildings which you visited? Was there a valuation placed upon them?

Lieutenant SULLIVAN. No; not to my knowledge, sir. We did see some records of the business which indicated to us that the business was grossing forty to fifty thousand dollars a month.

Mr. BOBO. Was there a method of operating according to the evidence which you picked up there? Was it by mail order business and solicitation?

Lieutenant SULLIVAN. Yes, sir; it was by mail order business. We found much of the advertising that was going out over the country in this particular warehouse which we raided.

Mr. BOBO. Were they operating under the name of the Male Merchandise Mart?

Lieutenant SULLIVAN. Yes, under that name, and one of their latest name was the Sailor Jock's.

Mr. BOBO. I believe you also have with you there a purchase order book which you confiscated in that raid. What does that purchase order book show as to the distribution of material? Does it show that purchases were made only in the Los Angeles area from the Male Merchandise Mart, or were there purchases made from points outside of California and other places in different parts of the United States?

Lieutenant SULLIVAN. They were made from outside of California. New York City and various other locations throughout the country. I have several purchase order books here if you want to look them over, sir.

Mr. BOBO. All right, sir.

Lieutenant SULLIVAN. We seized at the time some of their mailing lists, approximately 15 boxes of the mailing lists, which indicated that they were shipping at least advertising, possibly merchandise, to all sections of the country.

Mr. BOBO. Do you have any approximate count as to the number of names which might appear upon that mailing list?

Lieutenant SULLIVAN. I do not, sir.

Chairman KEFAUVER. Anything else you want to tell us about it, Mr. Sullivan?

Lieutenant SULLIVAN. Not at the moment, Mr. Senator. So far as the trial of the action is concerned—

Chairman KEFAUVER. We would like to have the opportunity of getting information from—you have been mighty cooperative with our people, but particularly the order books and the connections in other States showing interstate commerce and the type of interstate commerce. We would ask you to let us develop as much as we can. It would be helpful from this standpoint. That will be all right, won't it?

Lieutenant SULLIVAN. Yes, sir.

Chairman KEFAUVER. Thank you very much, sir.

Now, I said in the beginning that anyone's name who was here that had been brought out who wanted an opportunity to make any statement would have that opportunity. I don't believe anyone has spoken to our counsel or staff about it. Is there anyone whose name has been mentioned who would like to testify?

Mrs. Ray SUCHMAN. Mr. Chairman, you mentioned my name wrong. I wonder if I could just have a minute on this television issue.

Chairman KEFAUVER. Well, lady, we finished up our television hearing. What is it? You told me your right name this morning.

Mrs. SUCHMAN. Mrs. Ray Suchman.

Chairman KEFAUVER. What is the nature of your statement, Mrs. Suchman?

Mrs. SUCHMAN. I just wanted to say I am in 100 percent hearty agreement with all you are doing, but I don't think there has been enough stressed on television. If you go along all the streets, little houses that are ready to collapse have an antenna on them. That shows the power of television.

Chairman KEFAUVER. Yes.

Mrs. SUCHMAN. I just wanted you to take cognizance of that. It is a very important thing in our lives. I don't go to movies; I sit home. A lot of us old folks get all of our information and entertainment over the television. I just wanted that to go in the record.

Chairman KEFAUVER. Yes. Thank you very much.

Mrs. LETA MEYERS SMART. Mr. Chairman, I am hoping what I left with you will suffice.

Chairman KEFAUVER. Just a moment, now, good lady. Will you tell us your name?

Mrs. SMART. Leta Meyers Smart. I was interested because one of your reasons for this investigation was the juvenile delinquency among the Indian children.

Chairman KEFAUVER. Yes, ma'am.

Mrs. SMART. Since I have covered it in the material I left with you, and I think I have had your assurance that it is a subject that you are interested in, especially on account of the new drug that these children are taking and the letting loose of the liquor on the Indian reservations. That is all brought out, so I won't take up the time of the committee; but I have been asked to be sort of a spokeswoman for this lady here, whom I have just met this morning. She left a letter with you yesterday, and she will give you her own name. I haven't had time to go into it to see really what her suggestions would be to your committee; but the main difficulty here is now with this lady that she would like to know just what form her plan would have to be in so as to get the attention of your committee. I think you have her letter there.

What is your name? Give your name.

Mrs. NIVENANDA. I am Madam Nivenanda.

Chairman KEFAUVER. Well, Mrs. Nivenanda, if you have written us a letter, it will certainly get our attention; but what is it you have on your mind?

Mrs. NIVENANDA. I would like to know for what extent I could benefit for the juvenile delinquency? I have given consultations on many cases and have given a lot of time and prevented people from getting down on Skid Row, so to say, and I would like to know, since

I am of foreign descent, the sort of fear that I could have to un-American activity in my mind, and would not be beneficial for the children; and I would like to inquire as to what extent I could serve.

Chairman KEFAUVER. Well, we appreciate your willingness to serve. You write us fully just how you can serve and in what ways you think you will be helpful, and we will let you know.

Mrs. NIVENANDA. Thank you.

Chairman KEFAUVER. As to the Indian children, we have had some hearings in North Dakota. Senator Langer has been out to New Mexico and Palm Springs; Arizona, too; and we are aware of the sad plight of our Indian children, with bad housing, schooling sanitary conditions; the fact that they are being subjected to not very healthy influences. We hope we can do something about it. We appreciate your interest. I think we understand one another about the Indian children.

Mrs. LETA MEYERS SMART. One thing I want to bring especially to this—I am not trying to stir up a hornet's nest nor turn a Democrat against a Republican—but if you read my material, you will see that I referred to Public Law 277. Now, if it hadn't been for that law having come into effect August 15, 1953, which turned the liquor loose to the Indians, we wouldn't have as great a juvenile delinquency or adult delinquency problem among them; but that happened. Try as we could, when some of us were in Washington, to advise that special Congressman who drafted that H. R. 1055, that to do that would be absolutely unconstitutional, Harold Patton, of Arizona, his name was; and he didn't know about the situation that the Indians themselves would have to amend certain provisions in their treaties before the President or Congress could bring that about legally.

Now, I think an Indian should have the same right as everyone else, it is not that; but until the tribes themselves——

Chairman KEFAUVER. Well, now, lady——

Mrs. SMART. And I bring that out in my material.

Chairman KEFAUVER. We will study your material.

Mrs. SMART. Yes. It is very serious. It has to be undone some way or another.

Chairman KEFAUVER. All right. Thank you, ma'am.

Mrs. SMART. The repeal of Public Law 277.

Chairman KEFAUVER. We appreciate your interest and the interest of everyone else who has been here to our hearings.

I particularly wanted to see if there is anyone whose name has been mentioned in the hearings who wanted to make an explanation or present their side of any controversy that has come up here.

Now, Mr. Bobo, there are undoubtedly witnesses here who have been subpoenaed, whom we are not going to be able to hear this afternoon. Do you want to read any of them out so we can see if they are here?

Mr. BOBO. Yes, sir.

Chairman KEFAUVER. Mr. Martin, you read out the names of any witnesses that we have not called.

Mr. MARTIN. William Door.

Mr. DOOR. Here.

Chairman KEFAUVER. Mr. Door, where are you, sir?

Mr. DOOR. Here.

Mr. MARTIN. William Miller.

Mr. MILLER. Here.

Chairman KEFAUVER. Is Mr. Miller here?

Mr. MILLER. Here.

Mr. MARTIN. Mr. and Mrs. Glied?

(No response.)

Mr. MARTIN. Andy Anderson?

Mr. ANDERSON. Here.

Mr. MARTIN. Mr. De Muth.

Mr. DE MUTH. Here.

Chairman KEFAUVER. Well, gentlemen, can we have your willingness that you will remain under subpoena, and that by notice by letter or by telegram you will reappear at the time we notify you? Is that all right with you, sir, Mr. Door?

Mr. DOOR. Yes.

Chairman KEFAUVER. Mr. Anderson?

Mr. ANDERSON. Yes.

Mr. MILLER. I would like to say a word.

Chairman KEFAUVER. All right, sir. Come up here.

What is your name, sir?

Mr. MILLER. William Miller.

Chairman KEFAUVER. All right, Mr. Miller. You hold up your hand and be sworn.

(Mr. Miller was sworn.)

TESTIMONY OF WILLIAM J. MILLER, HOLLYWOOD, CALIF.

Chairman KEFAUVER. I believe there is also Miss or Mrs. Helene Block. Is she here, too?

Mrs. BLOCK. Yes.

Chairman KEFAUVER. Will you come back at the time we notify you?

Mrs. BLOCK. Yes.

Chairman KEFAUVER. Mr. Miller, what is your full name?

Mr. MILLER. William J. Miller.

Chairman KEFAUVER. Where do you live, sir?

Mr. MILLER. 2829 Beachwood Drive.

Chairman KEFAUVER. All right, Mr. Miller, what is it you want to tell us now?

Mr. MILLER. I was subpoenaed to bring my records down here and to appear. For what reason, I would like to know. I have never been in this business at all in my life, and why should I be subpoenaed?

Chairman KEFAUVER. Well, if we have done you an injustice, I certainly want to apologize. What is the situation about Mr. Miller?

Mr. BOBO. Mr. Miller, have you ever been involved with any photographic or model agencies or the securing of models for taking of photographic pictures?

Mr. MILLER. I am very friendly with Mr. Anderson, but as far as having anything to do with his business or ever supplying models for anybody else, never.

Mr. BOBO. Have you ever—excuse me.

Mr. MILLER. I have never been connected with his business financially or any other way.

Chairman KEFAUVER. Get up closer to the microphone.

Mr. MILLER. I have never been financially or any other way connected with Mr. Anderson outside of being a friend. Why I was brought—I would like to know why, because I know many attorneys, I know fellows that are in the butcher business, automobile business, doctors; and I am not associated with being a doctor because I am around with them.

Mr. BOBO. Have you ever had any type of business arrangement, either financial or otherwise, with Mr. Anderson?

Mr. MILLER. No.

Mr. BOBO. With Mr. Tom Cooper?

Mr. MILLER. No.

Mr. BOBO. Do you know Mr. Tom Cooper?

Mr. MILLER. Very well.

Mr. BOBO. Have you ever had any type of business arrangement or financial arrangement or otherwise with Mr. Gerald Duke?

Mr. MILLER. I sold him some equipment and lent him \$100 at one time to pay rent on a building that he opened, and gave him supplies at that particular time when I was running an auction business with photographic equipment. This was several years ago.

Mr. BOBO. Mr. Duke was engaged in a photographic studio?

Mr. MILLER. He opened one on Sunset Boulevard.

Mr. BOBO. What type of equipment was it that you furnished?

Mr. MILLER. I sold him a printer, a developing tank, some darkroom lights, and I think some paper, if I am not mistaken.

Mr. BOBO. Were you paid for that material at the time at which you sold it to him?

Mr. MILLER. Not yet.

Mr. BOBO. You haven't been paid?

Mr. MILLER. I was paid \$40 on \$180.

Mr. BOBO. When was it you gave him this material or sold him this material?

Mr. MILLER. I think approximately 3½ or 4 years ago.

Mr. BOBO. You also lent him \$100 with which to establish his business?

Mr. MILLER. To pay the rent, which was paid back to me.

Mr. BOBO. Have you ever received from either Mr. Anderson or Mr. Tom Cooper or Mr. Gerald Duke any of the girl photographs from them?

Mr. MILLER. Yes; plenty of them.

Mr. BOBO. You received these for your own personal use?

Mr. MILLER. Absolutely.

Mr. BOBO. How many photographs would you say you had received from Mr. Anderson?

Mr. MILLER. Well, I couldn't say that because I have got pictures of practically every model that was ever in the city.

Mr. BOBO. Are these pictures of the nude variety or strip variety of pictures?

Mr. MILLER. Some are and some aren't. A lot of it is color and third dimensional.

Mr. BOBO. Approximately how many photographs of girls and models would you say that you had in your possession, Mr. Miller?

Mr. MILLER. Probably 10,000.

Mr. BOBO. Have you also in your possession or have you received from Mr. Anderson, Mr. Cooper, or Mr. Duke any moving-picture films?

Mr. MILLER. Never.

Mr. BOBO. Do you have in your possession any moving-picture films showing a nude woman?

Mr. MILLER. No. Pinup models. I have maybe 5 or 6 hundred-foot reels.

Mr. BOBO. Five or six—

Mr. MILLER. With a hundred feet on each one of them, because I haven't got a projector and I don't use them.

Mr. BOBO. May I ask you, Mr. Miller, what do you do with all these pictures?

Mr. MILLER. I got them as a collection, because I shoot a lot of pictures myself.

Mr. BOBO. Do you also, yourself, shoot pictures of models and women?

Mr. MILLER. Very seldom. I have, but I haven't—I wouldn't say over a dozen models in my life.

Mr. BOBO. Have you ever shot pictures of women in the nude?

Mr. MILLER. Yes.

Mr. BOBO. What was the purpose of these pictures?

Mr. MILLER. I took them as pinups and also as calendar color shots.

Mr. BOBO. Have you ever either given or sold any of these thousands of pictures that you have away?

Mr. MILLER. I have given them to some friends of mine, but never sold one in my life.

Mr. BOBO. Mr. Miller, do you also go under the name of Mr. G. L. Seymour?

Mr. MILLER. No.

Mr. BOBO. Have you ever gone under the name of G. L. Seymour?

Mr. MILLER. That may have been on a check maybe years ago. I wouldn't say that. That has been many years ago, if it was.

Chairman KEFAUVER. Well, did you ever? That is the question. Was that ever an alias that you had?

Mr. MILLER. I won't say "Yes" and I won't say "No," because I really don't remember.

Mr. BOBO. Have you ever gone under an alias?

Mr. MILLER. That was—yes, years ago.

Mr. BOBO. Have you ever gone under the alias of Fred Williams?

Mr. MILLER. Well, I don't think I will answer any more questions like that without an attorney. That has got nothing to do with what this particular thing is about, and I know nothing about it, what you called me for.

Chairman KEFAUVER. Well, Mr. Miller, you came up here and wanted to testify.

Mr. MILLER. I wanted to know why I was called up here.

Chairman KEFAUVER. We wanted to give you a chance.

Mr. MILLER. I have a perfect right to ask that question, I think.

Chairman KEFAUVER. Well, Mr. Miller, I will tell you why you were called. We have information of your activities with these people, and you have a record back here beginning in Elizabeth, N. J., on November 14, 1918.

Mr. MILLER. That is correct.

Chairman KEFAUVER. And you are very closely associated with these people in this business. Mr. Bobo has some other questions to ask you.

Mr. MILLER. Well, I——

Chairman KEFAUVER. So we are not doing you any harm by just subpoenaing you up here. You have been charged with everything in the books.

Mr. MILLER. That is why I want to make it clear that I have nothing to do with this particular business, and I would like you to know that. That is one reason——

Chairman KEFAUVER. What is your present business?

Mr. MILLER. Well, I deal in jewelry and appliances.

Chairman KEFAUVER. What is the name of your business?

Mr. MILLER. I am at Metropolitan Building, 315 West Fifth Street.

Chairman KEFAUVER. Have you got a big business?

Mr. MILLER. No. I work out of another office now. In my place the business was discontinued in 1950——

Chairman KEFAUVER. What is your annual income, Mr. Miller?

Mr. MILLER. Probably around six thousand, sixty-five hundred.

Chairman KEFAUVER. Would you be interested to know that you only reported \$1,600?

Mr. MILLER. When was this?

Chairman KEFAUVER. 1954.

Mr. MILLER. That was after everything was deducted. I think you will find that.

Chairman KEFAUVER. That seems to be the gross amount you report.

Mr. MILLER. No. The auditors do it. Whatever it is, I wouldn't say.

Chairman KEFAUVER. \$1,600, and you have got a 1954 Cadillac.

Mr. MILLER. I got what?

Chairman KEFAUVER. Don't you have a Cadillac?

Mr. MILLER. Yes.

Chairman KEFAUVER. A 1954 Cadillac?

Mr. MILLER. No.

Chairman KEFAUVER. 1953.

Mr. MILLER. But——

Chairman KEFAUVER. 1953?

Mr. MILLER. My particular things that was taken in the audit was over \$6,000 last year. I brought my records. I wanted them looked

over; but I don't know what it is all about, because I have nothing to do with this particular line of business at all. Never have had. I have never sold a picture in my life and don't have any financial dealings with them at all.

Mr. BOBO. But you have had an association with people who did deal with and sell this material?

Mr. MILLER. Well, I know them, but I have never—never was in the business myself.

Mr. BOBO. You did also furnish the photographic equipment——

Mr. MILLER. A sink——

Mr. BOBO. Some material to a man who 3 or 4 years ago—who hasn't paid you for it?

Mr. MILLER. Yes.

Mr. BOBO. What was the value of this material?

Mr. MILLER. It only came to \$180—something, plus \$100 that I lent him in cash, which was paid back to me.

Mr. BOBO. Were the pictures that you received in payment on the equipment which you had furnished to him?

Mr. MILLER. No. No. No. I was paid back \$20 at a time.

Chairman KEFAUVER. Well, did you make plans to start a photography business with Ray Porter, Mr. Miller?

Mr. MILLER. Pardon?

Chairman KEFAUVER. Do you know Mr. Ray Porter?

Mr. MILLER. No.

Chairman KEFAUVER. You don't know him?

Mr. MILLER. Never heard of him.

Mr. BOBO. Mr. Miller, have you ever known or associated with a Mr. Jack Dragna?

Mr. MILLER. Yes, I know Mr. Dragna very well.

Mr. BOBO. What was the nature of your association with Mr. Dragna?

Mr. MILLER. I knew him many years ago in prohibition days.

Mr. BOBO. Have you ever done any business with Mr. Dragna?

Mr. MILLER. Never.

Mr. BOBO. Do you know a Mr. Momo Adamo?

Mr. MILLER. Yes, I do.

Mr. BOBO. What has been your association with Mr. Adamo?

Mr. MILLER. I haven't talked to the man 5 times in the last 10 years.

Mr. BOBO. Did you previously have an association or business arrangement with him?

Mr. MILLER. Never.

Mr. BOBO. Do you know Mr. Lou Cohen?

Mr. MILLER. Yes.

Mr. BOBO. Did you ever have any business association or connection with him?

Mr. MILLER. That was—he run the auction sales, if that is the Lou Cohen you mean.

Mr. BOBO. Which auction sales, auction sales for you and your company?

Mr. MILLER. Yes. That is when I went out of business.

Mr. BOBO. Do you know a Dr. William De Orgler?

Mr. MILLER. What is the name?

Mr. BOBO. Dr. William De Orgler, D-e O-r-g-l-e-r. He goes under the name of Captain Zita, Z-i-t-a.

Mr. MILLER. I know who he is. He used to—he used to book acts at the old Florentine Gardens several years ago. I never——

Mr. BOBO. You never had any transactions with him at any time?

Mr. MILLER. Just barely knew him to say hello to him.

Mr. BOBO. Mr. Miller, have you ever had any association with any of the girls who had posed for nude pictures or posed for nude moving pictures?

Mr. MILLER. I have had lots of them to dinner; yes.

Mr. BOBO. Have you in any way ever offered any type of business arrangement with any of these girls?

Mr. MILLER. No. What do you mean by “business arrangement?”

Mr. BOBO. Did you ever arrange with them to be photographed even by yourself or by others?

Mr. MILLER. I have taken pictures of several of them; yes.

Mr. BOBO. How extensive has been your taking of pictures of nude models?

Mr. MILLER. Only the ones that I still have in my own collection. That is all. The same as dozens of others that take them. I have never sold them, and of the ones that I got, I still have.

Mr. BOBO. Do you pay these girls for taking the pictures?

Mr. MILLER. Naturally.

Mr. BOBO. What is the amount paid for the model?

Mr. MILLER. \$5 an hour. I haven't shot any for a couple of years.

Mr. BOBO. From whom do you receive the names of the girls who would pose for nude pictures?

Mr. MILLER. Oh, there is the Andy Agency and several others.

Mr. BOBO. Who operates the Andy Agency?

Mr. MILLER. Mr. Frank Anderson.

Mr. BOBO. Frank Anderson. Who else have you ever received or ordered a model from?

Mr. MILLER. None in particular; only I have had them call me wanting to to know if I was going to shoot.

Mr. BOBO. You have never taken pictures of any girls other than from Frank Anderson, the Andy Agency?

Mr. MILLER. I have taken pictures of other girls, but not from any other agency.

Mr. BOBO. How would you make your contact then?

Mr. MILLER. They call you. The models call for work.

Mr. BOBO. What happens to the negatives of the pictures which you take, Mr. Miller?

Mr. MILLER. Mine are all in color and there is no negative. It comes back from Eastman through the Eastman process laboratory; returns the film to you already done up.

Mr. BOBO. And you take pictures of nudes and forward them to the Eastman Kodak Agency and they return them to you in color, developed?

Mr. MILLER. That is correct.

Mr. BOBO. Do you send these pictures through the United States mail?

Mr. MILLER. It doesn't go through the mail at all. It is delivered down on Orange Drive and Santa Monica Boulevard.

Mr. BOBO. The Eastman Kodak Co. office?

Mr. MILLER. The Eastman Kodak Co. office.

Mr. BOBO. On Orange Drive?

Mr. MILLER. That is right. When you buy your film, it automatically goes back to them for development and is returned to you.

Mr. BOBO. Are they returned to you in slide form or in picture form?

Mr. MILLER. In slide form.

Mr. BOBO. Have you ever done business with the Ansco Co. or any of the other film companies?

Mr. MILLER. No; never.

Mr. BOBO. Have you ever had any difficulty in having any of the color shots which you might take—having them processed?

Mr. MILLER. I haven't had any trouble with them. I get my slides back. I think once or twice they have punched holes in them; but outside of that, I have gotten all mine back. In fact, Eastman will not return it unless it is allowed to go through the mail if necessary.

Mr. BOBO. They are pictures of nude women?

Mr. MILLER. Yes.

Mr. BOBO. Do you make any determined effort to see that certain parts of the anatomy are not shown?

Mr. MILLER. If you didn't do that, you wouldn't have any pictures.

Mr. BOBO. Well, Mr. Miller, where did the girls who posed for these pictures for you receive your name, to know that you are photographing them?

Mr. MILLER. Well, I think that gets around among the girls themselves. I know dozens of people, and if I want to get an attorney, I would know where to go and get him; or if I wanted to find any particular thing. Those girls, I imagine, would look up somebody that shoots pictures, the same as you would look up a certain grocer or someone else.

Mr. BOBO. Have you ever taken any pictures of any models that were under 21 years of age?

Mr. MILLER. Not that I know of.

Mr. BOBO. Have you questioned them about their age?

Mr. MILLER. Yes. They will all say that they are more than that or older and sign a slip to that effect.

Mr. BOBO. What is the nature of the slip which they sign?

Mr. MILLER. They sign their model's release which says that they are 21 years of age.

Mr. BOBO. It also states on that that they have no objection to it being sold?

Mr. MILLER. That is right; but I never sold a picture and wouldn't. I have them for my own collection the same as others.

Mr. BOBO. Did you draw up your own model's release?

Mr. MILLER. No.

Mr. BOBO. From whom do you receive the model's releases?

Mr. MILLER. You can get them most any place.

Mr. BOBO. How many girls did you say you thought you had photographed?

Mr. MILLER. I will say all together, in a period of 5 years, I haven't photographed over 20.

Mr. BOBO. And you made extensive photographs of these 20, great numbers of photographs?

Mr. MILLER. No; I wouldn't say that.

Mr. BOBO. And yet your name has gotten around among all the model agencies and among all the models in town that you pose people for pictures?

Mr. MILLER. That is correct.

Mr. BOBO. How much of the total part of your total income in the past 5 years would you say you spent on model's fees?

Mr. MILLER. In the last 5 years?

Mr. BOBO. Yes, sir.

Mr. MILLER. Probably \$250 or \$300, possibly.

Mr. BOBO. And you pay them \$3 an hour to \$10 an hour?

Mr. MILLER. No; never 10.

Mr. BOBO. What would be the value and what have you got invested in your collection of motion picture film and pictures that you have at your home in your collection?

Mr. MILLER. Well, I have had a lot of pictures given to me. If you went into that, I wouldn't know. I couldn't say that exactly.

Mr. BOBO. You have also purchased great numbers of them, haven't you?

Mr. MILLER. No. I have traded some of the ones that I have had for others.

Mr. BOBO. But you never——

Mr. MILLER. In other words, if you would get several practically alike, you would trade them with someone else that shot a different model.

Mr. BOBO. Where would you get the ones that you would trade?

Mr. MILLER. Ones that I had taken.

Mr. BOBO. Ones that you had taken, how would they be like some that other people had taken?

Mr. MILLER. Well, it could be a different setting. It could be on the ocean beach or it could be up in Big Bear or somewhere else. It could be in dozens of different places.

Mr. BOBO. Approximately how many pictures do you have, Mr. Miller?

Mr. MILLER. Probably 10,000.

Mr. BOBO. And you have taken all of those yourself except the few that have been given to you?

Mr. MILLER. Oh, I wouldn't say—99 percent of the ones that I have, have been taken by someone else.

Mr. BOBO. And all of them given to you?

Mr. MILLER. A lot of them have been given to me; yes.

Mr. BOBO. Have you ever purchased any of them?

Mr. MILLER. No, I haven't.

Mr. BOBO. Where did the rest of them come from that you did not take yourself and were not given to you?

Mr. MILLER. Say that over again?

Mr. BOBO. Well, you said that you had approximately 10,000; that 99 percent of them were taken by somebody else, that some of them had been given to you. The rest of them, where did they come from?

MR. MILLER. The ones that I took myself.

MR. BOBO. Which accounts for 1 percent?

MR. MILLER. Well, I have taken more than 1 percent of them.

MR. BOBO. All I am trying to arrive at, you have either had 9,000 given to you or 1,000 you have made yourself. Is that correct?

MR. MILLER. That is about right.

MR. BOBO. Who gives you all of these pictures?

MR. MILLER. Well, Andy has given me some.

MR. BOBO. How many has he given you?

MR. MILLER. Copper has given me a lot.

MR. BOBO. How many has Mr. Anderson given you?

MR. MILLER. Several thousand.

MR. BOBO. For what reason would Mr. Anderson give you several thousand pictures?

MR. MILLER. Because I am around him all the time. I go out to his place quite often, practically every day.

MR. BOBO. He is in the business of selling pictures, isn't he, sir?

MR. MILLER. He doesn't sell pictures.

MR. BOBO. There is a value placed on these pictures, cost to him?

MR. MILLER. Well, I gave him a lot of paper at one time when I was in the auction business; but, of course, a 4 by 5 piece of paper costs approximately 1 penny.

MR. BOBO. You gave Mr. Anderson quite a bit of photographic paper?

MR. MILLER. When I run the auction places; yes, sir.

MR. BOBO. Did he ever pay you for it?

MR. MILLER. No.

MR. BOBO. You had no arrangement with him, except to give him photographic paper?

MR. MILLER. That is right; and I gave him what you would call paper that is outdated, which is still good. You can get it on the stands today, and buy a box of paper which is approximately worth \$18 or \$20 when it is in date. You can buy that same paper for \$3.50 or \$4.

MR. BOBO. So for a small quantity of outdated paper he has given you three or four thousand photographs of nude women, for which he paid models to pose and which he developed himself?

MR. MILLER. I don't think he has to pay the models to pose. He runs their agency and he has their agency and books the girls for photographers; and they carry their pictures in the place as more or less an exhibit.

MR. BOBO. Well, from whom else have you received pictures?

MR. MILLER. I have received pictures from dozens of different ones, the photographers that take them. Tom Cooper.

MR. BOBO. Well, for what reason does Mr. Cooper give you pictures?

MR. MILLER. Well, for the same reason that if I had anything that he wanted, he could have it, too.

MR. BOBO. That is a rather loose arrangement. Do you think I could go down and he would give me some, too?

MR. MILLER. Chances are he would; yes.

MR. BOBO. What is the purpose of the taking of these pictures?

Chairman KEFAUVER. I didn't understand. You say you gave him pictures?

Mr. MILLER. I have given him pictures.

Chairman KEFAUVER. Did you give Andy pictures, too?

Mr. MILLER. Pardon?

Chairman KEFAUVER. Do you give the other people pictures, too?

Mr. MILLER. I have given pictures, too.

Chairman KEFAUVER. So your pictures are getting circulated around, too?

Mr. MILLER. They don't get circulated around like that. They are making a collection of them. They are not for sale.

Chairman KEFAUVER. Do you keep these for showing at parties that you have at your house? Is that the purpose of it?

Mr. MILLER. No. I don't know just exactly why I have ever kept them. I have got a hobby for saving pictures. I have taken pictures in Florida since 1912 up until now with an old three-eight Eastman years ago and still have them.

Chairman KEFAUVER. Do you have them in a file box, indexed so you know exactly who they are?

Mr. MILLER. Who they are?

Chairman KEFAUVER. Indexed by their names.

Mr. MILLER. Yes.

Chairman KEFAUVER. 10,000 in an index?

Mr. MILLER. I think so. Close to that. I have never counted them, so I don't really know.

Chairman KEFAUVER. Do you have a couple of big safes or file cabinets?

Mr. MILLER. I have a filing cabinet.

Chairman KEFAUVER. Do you keep it locked?

Mr. MILLER. Sure.

Chairman KEFAUVER. What do you keep in these safes, just pictures?

Mr. MILLER. They are not safes, they are filing cabinets.

Chairman KEFAUVER. Just full of pictures?

Mr. MILLER. Yes.

Chairman KEFAUVER. Don't you have a couple of safes, too?

Mr. MILLER. I have one safe in my store.

Chairman KEFAUVER. You don't have one at your home?

Mr. MILLER. I have one that is empty. You can go up and look at it. They searched the place the night that the subpoena was issued. They came to my door and asked me if I had any pictures, with an excuse that they wanted to investigate a robbery that was in my home a year ago last October. When they came in I said, "What do you want?"

They said, "We really want to know about your pictures."

I said, "Go right through the house and look at anything you want"; which they did.

Chairman KEFAUVER. Are you acquainted with Mr. Door?

Mr. MILLER. I know who he is. I don't know the man well. I have seen him several times. Don't know him personally, no.

Chairman KEFAUVER. Do you know the Taggers?

Mr. MILLER. Never seen them until this morning.

Chairman KEFAUVER. Or the Alberts? Do you know them?

Mr. MILLER. Don't know them at all.

Chairman KEFAUVER. Do you want to look this over, sir, and see if you think it is substantially correct?

Well, let's see. We have one——

Mr. MILLER. This is something I know nothing about, what you have here [indicating]. What is this?

Chairman KEFAUVER. Well, that is just the stenographer's name that copied it down here. Maybe we had better hand you the original. Maybe you will recognize that better.

Mr. MILLER. This is all correct. What is the last? What is the last page?

Chairman KEFAUVER. Well, the last page, I will read it. Well, the last page on this one is the allegation that you have been——

Mr. MILLER. Subpnaed here.

Chairman KEFAUVER. No; that you have been engaged in this pornographic material, that you have been partners in this business with Andy Anderson, Tom Cooper, Gerald Duke; that you have two filing cabinets full of pictures, card indexes; that you exchange them with other people; that you have parties at your home, bringing them in to see the pictures; that——

Mr. MILLER. That is a lie.

Chairman KEFAUVER. That you take a lot of lewd pictures and nude pictures.

Mr. MILLER. I said that's a lie.

Chairman KEFAUVER. But outside of this part at the bottom, you think that this is fairly correct?

Mr. MILLER. This is absolutely correct.

Chairman KEFAUVER. Well, let's take this one that is correct. Then this one also says that among the films that you have stock-piled, including one, "Gentleman in Paradise," is that correct, do you think?

Mr. MILLER. It is not correct.

Chairman KEFAUVER. Well, this what you say here is correct——

Mr. MILLER. In that [indicating], yes.

Chairman KEFAUVER. Starts you back at Elizabeth, N. J., on November 14, 1918?

Mr. MILLER. I won't answer any more questions in regard to that. I think I can stand on my rights to that effect. That has nothing to do with this.

Chairman KEFAUVER. Well, anyway, in New Jersey and Massachusetts and Ohio and Illinois?

Mr. MILLER. I am aware of that, Senator. I told you that is correct.

Chairman KEFAUVER. Very well. This is correct. We will let it be filed as an exhibit to your testimony.

(The police record of William Miller was marked "Exhibit No. 42," and reads as follows:)

Miller, Bill, LA No. 138057.
True name: Miller, William J.
Alias: Seymour, G. L.
Alias: Williams, Fred.

Record

	Number	Date	Charge and disposition
Police Department, Elizabeth, N. J.		Nov. 14, 1918	Charge of fugitive; turned over to police department, Boston, Mass.
		Nov. 22, 1918	Arrested Boston, Mass., on charge of larceny of auto.
State Reformatory, Concord Junction, Mass.	21659	Jan. 11, 1920	R. S. G., 5 years, indicted; paroled Jan. 9, 1920; TOT Columbus, Ohio, No. 4551; Mar. 31, 1920, committed to Ohio State Reformatory for larceny.
Police Department, Columbus, Ohio.	5258	Mar. 31, 1920	Grand larceny, WEGJ \$1,000 and taken to Franklin County, Ohio, jail; on Jan. 12, 1920, sent to the State reformatory.
Police Department, Philadelphia, Pa.	53384	June 23, 1922	Attempted larceny—larceny of auto, for New York City Police Department. Escaped while being taken into custody; apprehended June 23, 1922.
Police Department, Aurora, Ill.		Jan. 26, 1924	Confidence game (bogus checks). Sent to the State penitentiary.
State Penitentiary, Joliet, Ill.	9001	Mar. 5, 1924	Confidence game; 1-10 years; Mar. 8, 1929, discharged.
Police Department, Brazil, Ind.	16	Apr. 1, 1929	Forgery; broke jail Apr. 4, 1929.
Police Department, Fitchburg, Mass.		Jan. 9, 1931	Uttering, 15 counts; 18 months House of Correction, Worcester, Mass.
Police Department, Tampa, Fla.	3092	Jan. 17, 1932	Inv. fugitive and jail break.
Police Department, Boston, Mass.	33490	Nov. 14, 1933	Larceny, worthless checks; released to Springfield, Mass.
Police Department, Springfield, Mass.	4740	do	Forgery; 60 days House of Correction.
Jail and House of Correction, Springfield, Mass.		Nov. 15, 1933	Forgery; Dec. 26, 1933—60 days and released.
Police Department, Holyoke, Mass.		Feb. 8, 1934	Larceny by check; sent to House of Correction for 2 months.
Police Department, New Haven, Conn.	4349	Apr. 21, 1934	Fraud, checks, 3 counts; 1 month on each count.
Police Department, Cleveland, Ohio.	42678	May 5, 1934	Issued check to deft; June 16, 1934, Ohio State Penitentiary.
State Penitentiary, Columbus, Ohio.	68440	June 20, 1934	Check to defraud; 1-3 years.
Police Department, Dayton, Ohio.	13404	June 19, 1937	Fraudulent check; July 23, 1937, 1 year; paroled.
Police Department, Miami, Fla.	CR-248	Nov. 26, 1939	Crim. Reg. (Vol.); released.
Do	20214	Nov. 28, 1939	Vol. Crim. Reg.; released.
Sheriff's Office, Miami, Fla.	CR-331	do	Crim. Reg.; released.
Police Department, San Diego, Calif.	17589	Jan. 10, 1943	Sec. 593B, Tariff Act; released to U. S. Customs.
Sheriff's Office, San Diego.	84479	Jan. 11, 1943	Smuggling; released on bond posted with U. S. Commissioner.
Police Department, Los Angeles.	2097-W-18	July 27, 1943	Sec. 242, Police Code, battery; dismissed.
Sheriff's office, Los Angeles.	A-49435	Oct. 25, 1944	Burglary; released on bail.
Do	B-39359	Oct. 22, 1947	Suspicion, Dangerous Weapons Act, sec. 2.
Do	B-40067	Oct. 28, 1947	Violating dangerous weapons control law of 1923, Dangerous Weapons Act 19.70; 2 counts.

In addition to the connections of Bill Miller shown in the rundowns of Andy Anderson and Bill Door, the following information is from observance of his activities over a period of approximately 6 years.

He first came to attention upon information received as to his being involved in receiving of stolen jewelry. In investigating this activity, it was discovered that subject was a constant associate of known prostitutes and persons involved in lewd and perverted activities. It is believed that he first made associates of photographers and model agencies, in order to obtain girls for the many parties and entertaining that took place at his house. Later, subject became more aware of the possibility of financial gains in this field; consequently, backing persons such as Andy Anderson, Tom Cooper, and Gerald Duke in model agencies and photo studios.

Subject has stockpiled in filing cabinets in his home and 2 safes what appear to be many thousands of photographs of girls listed alphabetically by name, which includes anywhere from 5 to 50 pictures of each pose, which would tend to show that this is more than a collection of a hobbyist; also many rolls of moving picture films, including one entitled "Gentlemen in Paradise."

At present it is known that subject owns most of the equipment used by Andy Anderson.

Mr. MILLER. But what about the other evidence that you have on the back page? I would like to know about that.

Chairman KEFAUVER. Well, if you want me——

Mr. MILLER. Who gives that information and says that I am connected with them? Because I am friendly with them, does that say that I am in business with them?

Chairman KEFAUVER. Well, this is information that has been gotten up.

Mr. MILLER. Well, by whom?

Chairman KEFAUVER. Well, anyway, it is in our files, Mr. Miller. If you want me to read it to you, I will read it to you.

Mr. MILLER. I would love you to read it.

Chairman KEFAUVER. This explains, I suppose, in addition to this general criminal record, in 8 or 9 states, everything from burglary to larceny——

Mr. MILLER. There is no burglary. I beg your pardon.

Chairman KEFAUVER. Forgery, worthless checks——

Mr. MILLER. I refuse to answer any more of your questions.

Chairman KEFAUVER. Smuggling. Is this true, that the 31 arrests or convictions in many, many States? Isn't that about right?

Mr. MILLER. I have told you that is correct, but why is that——

Chairman KEFAUVER. I will read this——

Mr. MILLER. You are trying to bring up things that I know nothing about.

Chairman KEFAUVER. This may give you some indication of why you were called, and I will read it, and then you can say whether it is true or not.

Mr. MILLER. That is right. That is all I want to find out.

Chairman KEFAUVER (reading):

In addition to the connections with Bill Miller shown in the rundowns of Andy Anderson and Bill Door, following information is from observances of his activities over a period of approximately 6 years:

First came to the attention upon information received as his being involved in receiving stolen jewelry.

I suppose that is not——

Mr. MILLER. Was I ever tried or brought up to arrest?

Chairman KEFAUVER. Well, is that correct?

Mr. MILLER. I asked you a question. You may answer me. Did I ever——

Chairman KEFAUVER. Well, you asked me to read this to you, and I am going to read it to you. Do you want me to read it to you?

Mr. MILLER. Yes.

Chairman KEFAUVER (reading):

Investigating this activity it was discovered that subject was a constant associate of known prostitutes and persons involved in lewd and perverted activities.

If you want to make any comments along as I read, you can do so.

Mr. MILLER. Well, I resent that.

Chairman KEFAUVER. Well, you asked me to read it, sir.

Mr. MILLER. No. I say I want you to read it, but you told me just now to answer you on it, and that is what I did.

Chairman KEFAUVER. All right. You say you resent that. [Reading:]

It is believed that he first made associates of photographers and model agencies in order to obtain girls for the many parties, entertainment that took place at his house.

Any comment?

Mr. MILLER. That isn't so. I know a lot of girls and go out with a lot of them. I don't see any harm in that; do you?

Chairman KEFAUVER. Well, you asked me to read it, and you answered.

Later he became more aware of the possibility of financial gains in this field, consequently backing persons such as Andy Anderson, Tom Cooper, and Gerald Duke—

Mr. MILLER. Wait. Where did they get the idea that I backed them, can you find that out? Bring them up here for that investigation.

Chairman KEFAUVER. Well, you rented them a place, you sold them film.

Mr. MILLER. I lent him a hundred dollars. If you lend a man \$100, regardless of what he does with it is none of my business.

Chairman KEFAUVER. You gave him photographic equipment.

Mr. MILLER. I sold him equipment. Don't every store sell them?

Chairman KEFAUVER. They haven't paid you for it?

Mr. MILLER. I still have got it coming, I guess.

Chairman KEFAUVER. Gerald Duke—

Mr. MILLER. I have been paid part of it. That is the only man that never paid me.

Chairman KEFAUVER. Well, you just asked me to read this, and you make any explanation that you want. [Reading:]

And Gerald Duke and model agencies and photo studios. He has stockpiled in filing cabinets in his home and two safes what appear to be many thousands of photographs of girls listed alphabetically by name, which includes anywhere from 5 to 50 pictures of each pose, which would tend to show that this is more than a collection of a hobbyist.

Do you have different pictures of each pose?

Mr. MILLER. Mr. Senator, with due respect to you, I think one of our most prominent men in the country today has a much finer and a bigger collection than I will ever have.

Chairman KEFAUVER. We are just talking about you. I am just talking about what you have. [Reading:]

Also many reels of moving-picture film, including one entitled "Gentleman in Paradise." It is alleged that he owns most of the equipment used by Andy Anderson.

Now, most of this is not true?

Mr. MILLER. I didn't say that. I said that I gave Andy the equipment that is in there. The equipment that was taken from Duke's place was turned over to Mr. Anderson, because they were together at that particular time.

Chairman KEFAUVER. Do you own your own home?

Mr. MILLER. That is right.

Chairman KEFAUVER. You do have a large, elaborate home, don't you?

Mr. MILLER. I wouldn't say that it is elaborate.

Chairman KEFAUVER. How large is it?

Mr. MILLER. What you can get for eighty-five hundred. Eight thousand seven fifty is what it cost me when I bought it in 1942.

Chairman KEFAUVER. What do you think it is worth today?

Mr. MILLER. I don't know. I never wanted to sell it. It isn't paid for to begin with. I took a loan on it, though, of eleven thousand here 2½ years ago.

Chairman KEFAUVER. Anything else you—

Mr. MILLER. Which I was obliged to do.

All I want to do is find out why they bothered me about these things.

Chairman KEFAUVER. Well, Mr. Miller, it ought to be quite apparent to you why you have been called here. You have a criminal record going back to 1918.

Mr. MILLER. Everybody else that—

Chairman KEFAUVER. Consisting of thirty-odd arrests or convictions of all kinds of things.

Mr. MILLER. Was I ever arrested for anything like you are calling for?

Chairman KEFAUVER. I haven't gone over these closely. I really don't know. But I can go over them closely if you want me to.

Mr. MILLER. It isn't necessary; but all I say is that the thing that is here, that I don't think I should have been called up here. I don't see any reason for it.

Chairman KEFAUVER. What is this smuggling conviction here?

Mr. MILLER. For bringing perfume across the border from Mexico.

Chairman KEFAUVER. Well, you don't want me to read all these, do you?

Mr. MILLER. It isn't necessary.

Chairman KEFAUVER. Here is another one: San Diego, United States Customs, Tariff Act.

Mr. MILLER. That is the very same thing.

Chairman KEFAUVER. Here is another one, 1947. That was in 1943. Here is 1947. Was that the same thing?

Mr. MILLER. It couldn't be 1947.

Chairman KEFAUVER. I mean, the same kind of charge?

Mr. MILLER. It couldn't be in 1947; I beg your pardon.

Chairman KEFAUVER. Well, 10-22-47—no; that is DW. That is the Dangerous Weapons Act; isn't it?

Mr. MILLER. That is right.

Chairman KEFAUVER. What was this?

Mr. MILLER. There was a gun in my home because I had been robbed 3 different times and burglarized 4 times, and I got a rifle in my home and a pistol in case I was held up again or stuck up.

Chairman KEFAUVER. You came out here from Miami, Fla., in 1939; didn't you?

Mr. MILLER. That is right.

Chairman KEFAUVER. And you went from Ohio to Florida; is that right?

Mr. MILLER. That is right.

Chairman KEFAUVER. And you went from Connecticut to Ohio; is that right?

Mr. MILLER. That is right.

Chairman KEFAUVER. And you went from Massachusetts to Connecticut.

Mr. MILLER. That was all in one series, without being released.

Chairman KEFAUVER. And you went from Illinois to Massachusetts; is that correct?

Mr. MILLER. Well, has that any bearing on this case?

Chairman KEFAUVER. I am just asking you about it.

Well, of course, the reason you were called is that you were shown to have close associations with these people. You have a very large collection—10,000 pictures.

Mr. MILLER. I don't see any harm in having those.

Chairman KEFAUVER. That is unusual. Well, it is a little unusual.

Mr. MILLER. Other people make a collection of having stamps or coins.

Chairman KEFAUVER. And you take pictures, you give them out to other people. They might get them in circulation.

Mr. MILLER. I take pictures of the Rose Bowl and the bullfights.

Chairman KEFAUVER. So I think that we were quite justified in calling you, Mr. Miller. We are glad to have your explanation about them.

Mr. MILLER. About those things, I know nothing about them, only what I have told you now. I will make it clear that I do not have any affiliation with them so far as the business end is concerned.

Chairman KEFAUVER. You are just not in that sort of business?

Mr. MILLER. Pardon?

Chairman KEFAUVER. That is just not one of your businesses?

Mr. MILLER. That is correct.

Chairman KEFAUVER. All right, Mr. Miller. Thank you for saying you will testify.

Is there anybody else who wants to testify today?

Well, our final witness——

Mr. DE MUTH. Mr. Senator——

Chairman KEFAUVER. Yes, sir.

Mr. DE MUTH. Would it be possible to get this over with today? Is that what you are asking?

Chairman KEFAUVER. What is your name?

Mr. DE MUTH. De Muth.

Chairman KEFAUVER. Mr. De Muth, there hasn't been very much said about you here, has there?

Mr. DE MUTH. No, sir; but, see, I am gainfully employed as a carpenter to support my family. It does take time.

Chairman KEFAUVER. Well, Mr. De Muth, we would rather let you know when to come back again sometime.

Mr. DE MUTH. That is perfectly all right, sir. You asked the question.

Chairman KEFAUVER. You were subpoenaed here. You will get, I guess, a per diem for the time you have been attending.

Our last witness will be Mr. James F. Nelson.

All right, Mr. Bobo. You ask Mr. Nelson.

TESTIMONY OF JAMES F. NELSON, DEPUTY DISTRICT ATTORNEY,
COUNTY OF LOS ANGELES

Mr. BOBO. Mr. Nelson, would you give us your name, your address, and your present position for the record?

Mr. NELSON. James F. Nelson. I reside at 11732 Missouri Avenue in West Los Angeles.

I am now a deputy district attorney for the County of Los Angeles.

Mr. BOBO. Working in the district attorney's office of Los Angeles County, did you handle the case involving Mr. Alberts and his wife, Mrs. Alberts?

Mr. NELSON. I did, sir.

Chairman KEFAUVER. Suppose we don't repeat the testimony that has been given before, only new matters to be brought up. Mr. Bobo is trying to get a plane, I think, here at 5 o'clock.

Mr. BOBO. Thank you.

In investigating and determining this case, Mr. Nelson, did you receive complaints or letters of complaints from parents that their children had been receiving advertisements for this particular type of literature?

Mr. NELSON. Yes, sir; through the office of District Attorney S. Ernest Roll on the 18th day of February 1955, I was contacted by Mr. Roll, who brought to me at that time a packet of letters which he had through the latter months of 1954 received from various parts of the country, and many of which included reference to the receipt by juveniles of brochures of advertising from the Male Merchandise Mart, operated by Mr. Alberts. It was at that time that Mr. Roll instructed me to take action in connection with this matter.

Mr. BOBO. In the prosecution of this case, to what extent would you say the Alberts business was, financially?

Mr. NELSON. From the records that we had obtained as a result of the search warrants that were issued for the three premises which were searched, we have been able to estimate that approximately a gross of \$40,000 to \$50,000 a month business was done by Mr. Alberts and his wife under the name of APR Industries, Inc. He also operates——

Chairman KEFAUVER. You mean \$600,000 a year, something like that?

Mr. NELSON. Approximately, sir, yes; and I think we can say from the records that we had that this could be a conservative estimate.

The business, as I have stated, was in the name of APR Industries. He also operated under various other names, to wit, Paragon Enterprises, Male Merchandise Mart, Sailer Jock's Stag Shop, and I think there are one or two others which I can't recall at this time.

Mr. BOBO. In the prosecution of this case Mr. Alberts was convicted and Mrs. Alberts was released?

Mr. NELSON. That is correct, sir.

Mr. BOBO. What is the reason on this particular case, was she involved in the business with him?

Mr. NELSON. She actually, according to the records of APR Industries, was the only member of the family connected with the corporation. I believe she was secretary-treasurer and was definitely involved in the business. However, there is a case in California dealing with the prosecution of misdemeanors, which the counts that we had alleged

against Mr. and Mrs. Alberts were, that where the evidence shows that a wife is involved in a misdemeanor under the direction and control of the husband, it is presumed that she has been coerced by the husband; and for that reason the judge dismissed the counts as against Mrs. Alberts.

Mr. BOBO. Under this indictment which they were brought, it was a misdemeanor, would it be of help to people in a position such as yourself, if the penalties could be strengthened and the charge for this raised to a felony or a more serious crime?

Mr. NELSON. Speaking for myself and the information that was gained through this experience, I can say definitely that it would be of considerable benefit if the penalties were made more stringent. As has been brought here before in these hearings, the usual type of penalty is a fine less than a thousand dollars, perhaps some suspended jail sentence; and when there is a gross business of the amount that has been mentioned here, a small fine is not enough to stop the enterprise.

Mr. BOBO. In the handling of this case was there any question in your mind, your own mind, that the material which you were presenting to the court was of a pornographic or of a lewd nature?

Mr. NELSON. We had, in conjunction with the members of the Los Angeles Police Department and the sheriff's office, considered the volume of evidence that was picked up pursuant to the search warrants and considered them thoroughly in the office, and were definitely of the opinion that in the application to which these brochures and mailing pieces were being applied, that they were obscene; and especially as applied to juveniles that were more or less impressionable, of that age. There were items that are before this committee now which we had considered obscene in originally determining to file a complaint, and which the court has declared obscene as of this moment, "Tina's Torture," which is before the committee, having been one of them.

I have here also a book which was not mentioned, and was specifically mentioned by the court, entitled "Sword of Desire," by Robert W. Tracy, which was a part.

Mr. BOBO. Who is the publisher?

Mr. NELSON. I believe that is also published by Arco——

Mr. BOBO. Arco Publishing Co., New York 17, New York.

Mr. NELSON. The judge as well passed upon some of the stereo slides which I believe this committee has, which we had previously determined went beyond the mere artistic values, and he has pronounced a portion of the box of slides which you have there in his opinion as being obscene.

Chairman KEFAUVER. Mr. Nelson, anything else you want to add for our benefit?

Mr. NELSON. I think that we have covered pretty much through Mr. Sullivan's testimony and my own what we are able to submit about Mr. Alberts, and in deference to Mr. Bobo and his airplane, I think that would be all.

Mr. BOBO. Don't let that bother you, sir.

Mr. NELSON. I don't know of anything else that needs to be brought out at this time.

Chairman KEFAUVER. Well, we thank you very much for your cooperation for your effort as a good law enforcement officer.

Well, this closes our hearing for the time being in California. It will be our intention to visit California again during the life of this committee, and hear the witnesses who were not heard today, who will remain under subpoena, and to take up other aspects of problems of juvenile delinquency. We will, of course, watch with interest what happens out here between now and the time our committee has the opportunity of returning.

I think these hearings have been among the most valuable that our subcommittee has held in any part of the country. In these 4 days we have heard about 3 separate phases of the juvenile-delinquency problem.

On Wednesday distinguished Californians told us about the outstanding work done here with juvenile delinquency; about the programs for the welfare of young people, about the interests in the youth in the State of California. I think the enlightened program approach to rehabilitation of youngsters which we heard about deserves commendation, and we hope that it will be promulgated in other States and other sections of the Nation.

I have been particularly impressed with the youth-authority and the forestry and ranch type rehabilitation programs; with indications in all parts of California that people are gathering together themselves at the grass-roots level to consider and to deal with and do something about this problem.

We can say that the witnesses who have appeared here from Los Angeles have shown a keen awareness of what should be done. They are working at it hard and intelligently, making good headway.

In the city of Los Angeles I think we have a good police force of good, thoughtful people who are doing the best they can under the circumstances. They themselves admit many difficulties they have had. I think the suggestions made by Mr. Barnes should be given a great deal of consideration locally. Greater public backing is, of course, necessary and will be the greatest cure; and the same goes with the information we have had about the sheriff's office, about the prosecutors, the district attorney's office. I think I can say without hesitation if other States would emulate California, particularly in the rehabilitation, the youth authority and other constructive programs, that we would be farther along in clearing up crime among our young people.

While there has been a substantial increase in juvenile delinquency over the Nation, Governor Knight wired us that California was holding its own. There has been apparently some increase in Los Angeles, but Chief Parker has told us that the increase has not been as large as the percentage increase of population.

We find present here about the same general problems in connection with housing, schooling, recreation that we have found in other parts of the country. I have been impressed with the awareness that adolescents must have something more than slides and swings, and that these places for their cars, the fact that clubs have been formed, have been fine steps in the right direction.

Here in Los Angeles we have heard from people who understand the complicated problem, and they express a willingness to do something about it. They are working at it hard. They are to be commended, and we want to give all possible encouragement to the good city officials and county officials who appeared here before us.

On Thursday the movie industry explained to us the problems that they have had in making and selling a motion picture. We have had many criticisms from the public generally about crime and violence and overplaying sex in some movies. This is not to be taken as a condemnation of the movie industry generally. I recognize the fact that movies have been a great and good force in the education and entertainment of people. I was impressed by the statement about children's movies in the school, travel movies, made by Mr. Albright who came here from Washington. I am impressed generally by the sincerity and the willingness of the people in the movie industry to cooperate with the findings of this committee; that they themselves recognize that there has been too much crime, violence, brutality just for brutality's sake in some pictures; and that beginning some time back they have determined on their own to do something about it. I think that generally the association of which Mr. Eric Johnston is head and all parts of it is an outstanding organization. This, I believe, is the best example of self-regulation of an industry of its own accord that I know of, done because of public interest. I hope that it will receive the fullest cooperation of producers and the members of the industry all the way through.

The responsibility of the movie industry is a tremendous one. We all understand the tremendous impact movies have upon our people, upon our young people. It is not sufficient that they do a fairly good job or mediocre job or even a good job, they must do an outstanding one. Our study of the movie code was both penetrating and revealing. I think the industry is to be commended for applying a code of morals to themselves, and generally both of these codes are well considered, good codes. It is this type of regulation that prevents censorship, a word that is repugnant to most of us, and certainly to me, at all times. I want to make it clear that as far as the chairman is concerned, that I am not in favor of censorship of the movies. I don't like censorship. I think self-regulation, focusing public opinion so as to bring about improvement is, however, the surest guaranty that we have against the increasing demand for some kind of censorship. Unless the industry continues to improve the quality of its pictures and gives full awareness to what the public needs in the field of children's pictures particularly, there will be an increasing demand for censorship.

There was a large body of well thought out opinion that while the codes are in the main effective, there have been many instances of violations of both the advertising and the motion-picture codes. The fault does not lie entirely with the men who are called upon to administer the code. There is a difficult problem, one which is complicated by many factors. It is evident that there is a good deal of influence, and sometimes pressure, to make them see things a certain way in close cases: maybe to approve something that they have some question, some misgivings about. Some of the fault seems to be in a rather loose interpretation of responsibility by some of the movie producers. Judging by their testimony to us, I am aware that this is a situation which they are attempting to rectify, and I think they are making headway. I hope they make more headway as soon as possible. Mr. Shurlock impressed me as being a sincere man in his work with the code. Personally I am a little disturbed about the type of movie advertising is allowed to reach the public. I realize that the advertising administration has a difficult time reviewing all of the advertise-

ments sent to it, and a difficult time proving to some people that a new approach to selling their products should be used. It is not easy to give a story of a picture in advertising. I think some of the advertising has gone definitely too far and is not excusable.

Mr. White, who is in charge of this part of the code, impresses me as a sincere, earnest, conscientious man who has been under pretty severe difficulties in carrying out the administration of the code just as he would like for it to be carried out. I hope now that our hearings are over, that both as to the production code, the picture code and the advertising code, that these gentlemen, with the support of the industry, will continue more vigorously their attempts to correct what I feel to be at least poor selling taste in some instances. We will continue our consideration of movie problems, and all of this testimony will be studied by the members of the committee and the staff in Washington. Later on we will issue a report.

I want it understood that our report is not for the purpose of condemning; we want to recognize the good with the bad. Our purpose is to work with the movie industry to try to see that it is better from the viewpoint of its influence upon the child, and we hope that the people in the industry will understand that and will give us their confidence.

Today we have heard about one of the filthiest rackets in the United States. Pornography is often directed at young people. It has been getting into the hands of kids in schools. All of the testimony that we have had in other places shows that it is a degrading influence that it has been striking at the moral foundation of youth, and undoubtedly has contributed to juvenile delinquency substantially. It is one of the principal causes for outrageous sex murders and sex crimes.

The mail order business in nude and obscene photographs and movies has been shown here to be substantial, and it covers what goes on here, the whole of the United States. I think that from today's hearings we will be able to frame Federal legislation that will help clamp down on some of these pornographers and **purveyors of filth**. One of our newspapers here carried on a commendable campaign of exposing what has been going on here. The police have worked on it hard, but I think it is quite evident that there needs to be larger fines, revision of State statutes, many other matters, including a more interested public, if it is really going to be cleaned up.

Now, I want to urge the people in every community, and certainly here in California, to take another look at their own laws and make sure they are adequate to cope with a business that runs into three or four hundred million dollars a year. Our staff made that estimate based upon preliminary hearings in New York and eastern cities. I think what we have heard here shows that this is a fair estimate of the size of the gross business of this obscene and questionable literature. A fine of \$50 or a suspended sentence won't keep this filth out of your community.

We have been derelict in the Federal Government level in dealing with this. I think it is quite obvious that our postal laws must be strengthened, that laws relative to the transportation of pornography by private automobiles and what not must be looked into. There are other Federal approaches to the problem that should be considered.

We will between the time now and when we hear other witnesses, follow with much interest what is done here in Los Angeles. In spite

of the fine efforts of police authorities and others here in Los Angeles, it is quite evident that Los Angeles is one of the substantial, one of the largest centers for the making, producing, and distribution of this kind of obscene literature, films, in the whole United States. What it would have been without the good efforts of our police authorities, it is, of course, quite evident.

There are other big cities in the United States that have just about the same general kind of problem. I am impressed also by the fact that this is a nationwide business, that customers here, people here do business with those in New York and other places.

In closing, let me commend all of those in this area who have taken the trouble to write this committee, presenting their views and their feelings about our investigation. We have had an interested audience, and I want to thank them for their suggestions, participation, and some of the observations that they have made.

We appreciate very much the fair treatment that the press has given us since we have been here, and radio and television. Let me assure all of you that we on the subcommittee are going to continue to search for methods for solving the problems of juvenile delinquency.

I want to thank again Mr. Stillwell, Mr. Campbell, Mr. Fee, our engineer, Mr. McKeeney, many others in the GSO, Attorney General's Office, and many friends who have been so helpful to us here.

I would like to say I think our staff has done an outstanding job. Few people have been here a very short time and have developed the testimony that has been brought out, and much of the testimony that could have been brought out. They have been very diligent and hard-working. I think they have done a very good—a mighty fine job in this hearing.

Is there anything else, Mr. Bobo, before you catch that 5 o'clock plane?

Mr. BOBO. No. That is it.

Chairman KEFAUVER. The meeting will not adjourn. We will stand in recess and the hearing will be continued. Let me make it clear to you again that all witnesses, those here and those not here who have been subpoenaed, who have testified, will remain under subpoena. We may want to call some of you back. Those who have not testified will be notified when to come back at a later time.

Thank you very much. We now stand adjourned.

(Whereupon, at 4:25 p. m., Saturday, June 18, 1955, the hearing was adjourned.)

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